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REPORT
OF THE
COMMISSIONERS
APPOINTED TO INQUIRE INTO THE AFFAIRS OF THE
KINGSTON PENITENTIARY

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Queen's University at Kingston

REPORT

[49]

Of the Commissioners to examine into the affairs of the Kingston Penitentiary.

TORONTO, April 29th, 1897.

To Sir OLIVER MOWAT, K.C.M.G.,
Minister of Justice,
Department of Justice, Ottawa.

SIR,—The undersigned, E. A. Meredith and James Noxon, appointed by commission dated the 13th October, 1896, and O. K. Fraser, appointed by commission dated 8th January, 1897, "to investigate and inquire into the affairs of the Kingston Penitentiary with special reference to matters relating or pertaining to economy in the management thereof, and into all such other matters and questions as may from time to time be authorized or directed by the order of His Excellency the Governor General in Council or by the Minister of Justice, and to report the result of their investigations to the Minister of Justice at his office at Ottawa," beg to submit the following report:—

Your letter of the 26th of October, 1896, transmitting their commission to Mr. Meredith and Mr. Noxon was accompanied by documents relating to several recent occurrences in the penitentiary, into which the commissioners were directed to investigate, and upon which, in addition to the general subject of their inquiry, they were requested to report.

The subjects referred to in these documents, or in others subsequently sent to them for inquiry and report, are as follows:—

1. The recent suspension of Guard Fowler.
2. The retirement of Blacksmith Instructor Francis Tracy, Steamfitter Munro, and Quarry Instructor John Kerr.
3. The complaints of the deputy warden against the chief keeper and of the chief keeper against the deputy warden.
4. The shooting of the convict Hewell by Chief Hughes on the 9th of October, 1896.
5. The escape of convicts Myers and McDonald from the penitentiary on the 9th of December, 1896.
6. The question of the employment of certain temporary guards at the penitentiary.
7. The propriety of Mr. Hughes holding simultaneously the office of chief keeper and clerk of the binder twine industry.

Having carefully pursued the several documents which accompanied your letter, Commissioners Meredith and Noxon proceeded to Kingston on the 4th of November, 1896, and opened their investigation in the penitentiary on the following morning; when the commission appointing them was read aloud to the warden and other officers of the prison assembled for the purpose in the office of the Inspector of Penitentiaries, where the commissioners usually held their regular meetings while in Kingston.

The commissioners were unable to prosecute their investigations continuously at Kingston, as their other business engagements, especially those of Mr. Noxon, as inspector of prisons of the province of Ontario, necessitated frequent returns at short intervals to Toronto for eight or ten days or even more at a time. These

interruptions necessarily delayed, much to their regret, the completion of their task, although even at Toronto their joint labours were continued whenever it was found possible to do so. The work of the commission was further delayed, and the time of the commissioners most provokingly wasted by the frequent appearance before them of ex-employees or others (sometimes recommended by persons in authority) who claimed to be able to furnish valuable information respecting the penitentiary, but who, though occupying for hours the attention of the commissioners, failed often to communicate one solitary important new fact. The dates and length of the several sittings of the commissioners are as follows:—

1. From 4th November, 1896, to 15th November, 1896.
2. From 19th November, 1896, to 28th November, 1896.
3. From 15th December, 1896, to 22nd December, 1896.
4. From 6th January to 14th January, 1897.
5. From 1st February to 28th February 1897.
6. From 9th March to 12th March, 1897.
7. Between 9th March to 6th April, 1897, commissioners met 12 days.
8. Between 12th April to 29th April, 1897, commissioners met 7 days.

In addition to the regular sittings of the commission, many days were occupied by the commissioners separately at Kingston, Toronto and Montreal in examining books and accounts and procuring evidence relating to the various matters under investigation.

Commissioners Meredith and Noxon thought it necessary, as a first step in their proceedings, to make themselves acquainted with the territory coming within the scope of their inquiry. They accordingly carefully went over all the penitentiary premises, both within and without the walls. They inspected the female prison, the lunatic asylum, the hospital, the prison of isolation, the prison wings, dining-room, chapels, school-room and various shops and other places within the walls, and the sewage works, the docks and sheds, the farm, the water tower and quarry outside the walls.

In order to prepare the material on which to base their report respecting "the economy in the management of the penitentiary," the commissioners lost no time in calling upon the accountant and the storekeeper to furnish information and statements in regard to the methods adopted in purchasing supplies for the prison and generally in conducting the economic operations of the prison during the last ten years. Owing to the unsatisfactory way in which the books and accounts of the penitentiary have been kept, a large portion of the information asked for by the commissioners has not been supplied.

Before entering upon the main subject of their investigation the commissioners thought they should clear their desks by disposing of the several special subjects which had been referred to them for report. Some of these having reference to the dismissal or suspension of officers, required immediate action. The investigation into these special subjects necessarily occupied a large portion of the commissioners' time during several of their early sessions, involving, as it did, the examination under oath of many officers and ex-officers of the penitentiary, some convicts, and many experts and other outsiders, some of whom were very reluctant and by no means reliable witnesses, and also necessitating the examination of the accounts and records of the prison for several years past, records and accounts often very imperfectly kept.

The commissioners give below a list of the separate reports forwarded to the Minister of Justice, with the date of the transmission of each:—

1. Report on suspension of Guard Fowler; transmitted 14th November, 1896.
2. Report on the enforced retirement of Blacksmith Instructor Francis Tracy, and of Steamfitter Munro; transmitted 21st November, 1896.
3. Report on the retirement of John Kerr, ex-quarry instructor; transmitted 26th November, 1896.
4. Report on complaint of deputy warden against chief keeper, and of chief keeper against deputy warden; transmitted 27th November, 1896.
5. Report *re* shooting of convict Hewell; transmitted December, 1896.

6. Report *re* escape of convicts Myers and McDonald on 9th December, 1896; transmitted 2nd January, 1897.

7. Report *re* temporary guards; transmitted 11th January, 1897.

8. Report *re* Mr. Hughes holding dual position of chief keeper and clerk of binder twine industry.

9. Supplementary report *re* blacksmith Tracy; transmitted 5th February, 1897.

All the matters dealt with in the foregoing separate reports had been specially referred by you to the commissioners. They had hoped to have been able in anticipation of their general report to have sent in special reports on certain matters which forced themselves upon their notice shortly after they entered on their investigation, and which they thought it important to bring under your notice at the earliest possible moment. One of these, and the most pressing one, was the conduct and management of the department of the engineer of the penitentiary; but, notwithstanding all the efforts of the commissioners to bring this investigation to an earlier close, it is only just now concluded and the result must, therefore, be embodied in this report. The investigation extended over a very wide field, involved the examination of the records and accounts of many years, necessitated considerable correspondence, and the personal visits at different times of two of the commissioners to Montreal.

Before attempting to give in detail a statement of the conclusions at which the commissioners have arrived respecting the moral and financial, or in other words the disciplinary and economic management of the penitentiary, it may be well to present a summary of the general results of their inquiries on both these heads.

1. As to moral state or the state of discipline in the penitentiary.

The discipline of the prison is utterly lax and weak. It is at the very lowest ebb. Neither the warden nor deputy warden are disciplinarians. The authority of the warden is not felt or respected, as it should be by his staff—indeed, it is almost ignored. The regulations of the prison (which sadly need revision) are in the opinion of the general staff of the prison largely superseded by “custom and usage” or “verbal instructions” from somebody, and consequently are practically neglected.

The officers of the staff who should work harmoniously together, with a feeling of “*esprit de corps*” and of loyalty to their chief officer and to the institution, are as a rule divided into cliques, caballing and quarrelling amongst themselves, jealous and suspicious of each other and utterly careless and indifferent as to the interests of the prison, the public or the prisoners.

The economic management of the institution is if possible in a still more hopeless condition. Waste and extravagance prevail in all the departments of the prison, accentuated in some by dishonesty and corruption. The prices paid for supplies purchased for years past for the penitentiary have been in almost all cases far beyond the market prices; sometimes two, three, or even four hundred per cent above the selling price at the time—while valuable property belonging to the penitentiary, but no longer required, has been often practically given away. The loss of money which the country has thus sustained is not easy to estimate. It certainly has been very great. Again a large number of the convicts are either left idle altogether, as is general in the prison of isolation, or without any profitable employment, and those who are employed are not employed as profitably or as usefully as they might be. In a word, the disciplinary and economic condition of the penitentiary are alike desperate.

Having thus indicated the general conclusions at which they have arrived, the commissioners will now submit at length their views in detail as regards both these branches—the moral and economic; beginning with the former and dealing with each branch under several distinct headings. They will then discuss several important matters which do not come properly under either of the above heads, and conclude with a resumé or recapitulation of the several recommendations embodied in their report, but which they think it will be convenient to present collectively, and at the same time distinct and separate from, and so to speak, unencumbered by, the reasonings which led to their adoption.

STATUTES AND REGULATIONS AFFECTING THE PENITENTIARY.

The Acts of Parliament regulating the administration of the Kingston Penitentiary and the other penitentiaries of Canada, are the following "The Penitentiary Act," (R.S.C., 1886, chap. 182). "The Amending Act" (50 and 51 Vic. chap. 52), and "The Second Amending Acts" (58-59 Vic., chaps. 41 and 42). The provisions of these statutes have been modified and in some particulars added to by the regulations adopted and prescribed from time to time by His Excellency the Governor General in Council under the authority of the ninth clause of the first Amending Act above cited. The regulations now in force or supposed to be in force in the several penitentiaries are those so adopted by His Excellency in Council on the 16th day of January, 1888.

The rules and regulations just referred to are supposed to contain and should contain everything relating to the police and discipline of the penitentiary and the duties of the several officers. They have, however, for years past, in the opinion of the officers of the penitentiary, been practically superseded by "usage and custom" or by "verbal instructions" either from the warden or deputy warden, and are at the present moment almost universally neglected and ignored and are practically a dead letter. In conducting the examination into some of the special subjects referred to them, the commissioners had abundant proof of the habitual disregard of the prison regulations. This was particularly marked in the case of the escape of two convicts on the 9th of December last, an escape which (as the commissioners stated in their separate reports on the subject) could not have taken place but for the gross violation and neglect of the prison regulations. In any case they require revision and additions. Since the regulations were sanctioned in 1888 many important changes have taken place in the prison; new industries have been introduced and new officers added to the staff, necessitating corresponding additions to and changes in the rules; but the only changes made in them have been of a trifling and provisional character. Among the more important changes which have taken place in the prison since the present regulations were sanctioned are the building of the prison of isolation, and of the present dungeon cells, the introduction of electricity, the establishment of the binder twine industry, and the creation of the present sewage system; and during the same period the following new officers have been added to the staff—an engineer, an electrician and an assistant electrician, an overseer of the sewage system, and of the binder twine industry. In no case have the duties of these several officers been properly defined, and in some cases no attempt whatever has been made to define them. To this cause is largely due the constant friction and severely strained relations which for the last two or three years have existed, greatly to the detriment of the penitentiary, among the officers whose duties bring them into frequent contact with each other. There are no regulations respecting the dungeon cells, and those relating to the prison of isolation prepared by Mr. Moylan, then inspector of penitentiaries, when this prison was opened in 1894, were avowedly only tentative and provisional. As confinement in either the prison of isolation or the dungeon cells is, to say the least, a very severe punishment, it is most necessary that well considered rules should be laid down as to when and why, and under what limitations and restrictions this punishment should be inflicted. Before, however, adopting any permanent rules in these matters, it would be well to obtain either by correspondence (or better still by a personal visit of the inspector of prisons or some other officer permanently connected with the Department of Justice) full information on the subject from the authorities in charge of the leading prisons in the United States or Belgium, where the cellular system has been for many years past in successful operation. Pending the procuring of this information fuller and better regulations than those now in existence might be provisionally adopted in relation to the prison of isolation and the dungeon cells. Meantime not a moment should be lost in revising the general regulations, those relating to the prison of isolation and the dungeon cells to be subsequently added. When the revised rules are sanctioned by the Governor General in Council, they should be printed in a convenient form, and a copy supplied to

every officer of the penitentiary, who should be required to make himself thoroughly familiar with them all, but especially with those relating to his own duties.

We have said that the regulations are a "dead letter." There is, however, one, which, strange to say, is not absolutely so. It is Regulation No. 46, which requires the warden to hold a muster of the officers once a month "for the purpose of reading out and explaining to them the rules and regulations." Seeing that there are 376 rules and several extras, to carry out this rule to the letter would be a severe infliction upon the officers. This, however, is not done. When the musters are held, as even now they sometimes are, the rules are "taken as read" and no practical effort is made to carry out the spirit of the rule by explaining the regulations generally to those present.

DISCIPLINE.

Where there are no regulations, or where the regulations are not enforced, there can be no discipline, and so it is in the penitentiary. The regulations being, as we have said, a dead letter, laxity and disorder prevail everywhere in the institution. The discipline is nil. The chief officer, a worthy and well meaning man, is not a disciplinarian, and makes no effective efforts to keep up the discipline of the prison. He has not an efficient, loyal or judicious supporter or adviser in the deputy warden, the officer whose special duty is "to maintain the police and discipline of the prison with the strictness exactness." The warden and his deputy, as the chief officers of the penitentiary, are no doubt primarily responsible for the very low state of discipline now prevailing in the institution, which seems to have deteriorated, if that were possible, ever since the retirement of ex-warden Lavell. They are also responsible for the marked inefficiency and neglect of duty of a large number of the subordinate officers. What is the condition of things among the general staff? There certainly is no harmony, no feeling of loyalty to the warden or the institution, or to each other, existing among them, but instead of that there are constant quarrellings, caballing and jealousy, and a general neglect or disregard of the interest of the prison. The constant quarrelling and divisions among the staff, necessarily fatal to the proper discipline of the prison, arise partly from the vagueness and non-enforcement of the rules, and partly also from the existence of cliques or divisions among the staff. At the present time there are a number of officers who are closely connected by family ties, and as might be expected the members of this family compact are naturally regarded with suspicion and dislike by the other officers. That a number of relations or connections should hold office simultaneously in any prison seems on general grounds most objectionable. They naturally would not be so ready to report any wrong done by one of the connections as if it were done by an outsider. The tendency would on the contrary be to shield or hide the offender. In this way the interests of the prison would suffer and jealousies and heart burnings would necessarily arise. These evil results would be intensified if one of the members of the clique was an officer in high authority, as is the case at present in the penitentiary. In banks and many other public institutions the general rule is that two near relatives shall not be in the same office at the same time, and such a rule seems particularly necessary in the penitentiary, where every officer is bound to report any other officer he may see doing wrong.

To attempt to particularize the disastrous consequences arising from the laxity or absence of discipline in the prison would be impossible. Their name is legion. We may, however, give a few examples. Within the last few years several convicts have effected their escapes from the prison. Some of these escapes have never been reported to the department. These escapes have been generally due to the carelessness of the officers, to the looseness in enforcing the regulations and to the facilities afforded the convicts for escaping. The last escape of two convicts in December last was referred to the commissioners to investigate and upon a careful inquiry into the facts they came to the conclusion that the convicts could not have effected their escape as they did but for the facilities afforded (one might say provided) them through the carelessness and gross neglect of duty of the deputy

warden. In some cases where prisoners have escaped, guards and keepers have been dismissed in consequence, but the commissioners have reason to believe that these officers were sometimes the scapegoats for the neglect or misconduct of their superiors. Among the many instances of flagrant violation of all prison discipline which were brought out in the evidence taken by the commissioners was the fact that convicts have frequently been taken outside the prison walls for the convenience of the superior officers, either in the prison steam yacht, or otherwise, resulting in one instance in two convicts being storm bound and detained all night on an island in the lake under surveillance of a single unarmed guard; and in another in two convicts secreting themselves in the steam yacht "Juno" (burnt in 1894), and making their escape with it into the United States. Some of these occurrences, it is true, took place three or four years ago, but are now referred to because some of the officers implicated still hold the same positions they then did in the prison. Through the same absence of all proper discipline, a pernicious practice has crept into the prison of allowing to the convicts "lockers," as they are termed, in several of the shops and elsewhere, probably more than one hundred in all, in which the prisoners can put away out of sight of the officers, under lock and key, anything they please. Some of the best disciplinary officers in the penitentiary (and there are some who are capable men) have remonstrated against the practice, but it still prevails. These "lockers" have at times been searched and found to contain files, saws, knives, &c., &c., all things which might be very handy for a prisoner in effecting his escape, or in the event of a general rising, but with which it is hardly desirable he should be supplied. How the prisoners become possessed of these formidable articles it is not easy to understand, but that they do obtain them freely is proven not merely by their being found in the lockers as above mentioned, but also by the fact that when a general search was recently made through the cells and shops, several large clothes baskets full of such weapons were unearthed which had been hidden in the prisoners' bedding and elsewhere. For the continuance of this practice the warden, the deputy warden and the inspector are responsible.

Before leaving the question of discipline, the commissioners must call attention to the fact that at the present moment the families of four officers are residing within the prison walls. The deputy warden and the hospital overseer with their families, are actually within the walls, and two guards with their families at the western gate. The commissioners regard this practice as objectionable on disciplinary grounds, especially where there are several young people in the family; as it is practically impossible in such cases to enforce the rule of keeping the family and servants apart from the convicts, and the intercourse between these young people and the prisoners opens the door to many serious evils, to the obvious detriment of the discipline.

This seems the natural place to refer to the statements, in evidence made to the commissioners, by Chief Keeper Hughes, an active and intelligent disciplinary officer, to the effect that he has repeatedly made written reports to the warden calling attention to matters requiring prompt action, or complaining of breaches of discipline and neglect of duty by some of the subordinate officers, but that in many such cases no inquiry has been made into his reports or complaints, or at least no apparent action taken on them.

Intimately connected with the general discipline of the penitentiary, is the next subject on which the commissioners propose to say a few words, the subject, namely, of letters sent to the inspector of penitentiaries from officers or convicts without passing through the warden's hands.

In one or two of their special reports the commissioners called attention to the fact that direct action over the head of the warden had been taken in some cases by the Department of Justice on letters, sometimes marked "Private" or "Unofficial", addressed to the inspector of penitentiaries by officers of the prison and in case of the ex-inspector by convicts also, and sent to him direct without passing through the hands of the warden, the proper channel for all such communications.

The commissioners stated that they regarded this practice as irregular and objectionable; irregular as being in contravention of the 11th Regulation, and ob-

jectionable as ignoring and undermining the authority of the chief officer of the institution and depriving him of the opportunity before action is taken of making his comments on the matter of the communication, or of offering any explanation he might wish to make. The commissioners were pleased to learn that the inspector agreed with them in thinking the practice objectionable. He added that on his appointment as inspector he had found the practice prevailing very generally, and that he had taken measures to discourage and put an end to it. Subsequently, however, on making an investigation at the penitentiary he found that many irregularities had recently occurred in the prison which had not been reported to the warden, and the officers who should have made the reports excused themselves by saying that there was no use in sending reports to the warden, as they were "pigeon-holed" by him and not forwarded to the department. The inspector states that he informed the warden that his conduct in not forwarding communications placed in his hands for transmission to the inspector was unjustifiable, and that in order to guard against such neglect of duty and inaction of the warden in such matters in the future he had informed the officers that they would be at liberty when submitting reports to the warden to send copies to him. When a warden for any reason holds back letters placed in his hands for transmission to the inspector he lays himself open to and should receive severe censure. It implies, indeed, that he is unfit for his position. But if, unfortunately, the office of warden should be held by such a person it may be wise and even necessary that officers or convicts sending in reports or complaints to him should be allowed to send copies of their reports to the inspector. The general rule, however, should be relaxed only to that extent and no further; and no officer should, in the opinion of the commissioners, be allowed to send to the inspector any communication on prison matters, even if marked "Private" or "Unofficial," unless he has also given a copy of it to the warden. It should be possible to procure for the position of warden one who would not find it inconvenient to forward such communications to the officer for whom they are intended. Officers sending in frivolous and unjustifiable reports or complaints would, of course, lay themselves open to censure of the Minister of Justice, if not to more serious punishment.

A fruitful cause of trouble and difficulty in the administration of the penitentiary, the origin indeed of some of the worst scandals affecting the highest officers of the institution, has been the practice of allowing officers to make purchases of goods from the penitentiary shops or from the farm and fuel supplies, and permitting them to have work done for them in the shops. It is easy to see how these privileges open the door to abuses, and the abuses never fail to take advantage of the opening. The evidence taken by the commissioners themselves, and the evidence taken on previous investigations (as seen on the files furnished by the Department of Justice) show how grossly these privileges have been abused in the past, not merely to the great pecuniary loss of the institution, but to its serious moral injury, by causing a general demoralization of the officers, and being a hindrance to any reforming influence the penitentiary might be expected to exert upon the convicts who frequently were witnesses of the dishonest acts, and sometimes actual agents of the officers in defrauding the prison. Similar evils have resulted from the practice of allowing the officers to keep animals for their own use—horses, cows, pigs, poultry, &c.—on the prison premises, and to keep food for their animals in the prison stables with the prison supplies. Such a system leads inevitably to a confusion between the property of the prison and the private property of the officers, and the prison property is not likely to gain by the confusion.

The commissioners cannot see any reason why any of these so-called privileges should be allowed to continue. There might be some possible pretext for their existence if the penitentiary were at a distance from a city, and the officers consequently had not facilities for making their purchases or having their work done easily outside the institution; but at the Kingston penitentiary, in the immediate neighbourhood of a large city, there can be no such reason. These privileges would not indeed be privileges at all if they were not the means of enabling the privileged parties to defraud the institution by making their purchases much below the market

prices, and of having work done for them at rates involving a loss to the institution, both in the material supplied and in the labour of the convicts. It is almost needless to say that in these ways the penitentiary has been frequently defrauded in the past. It will be seen by the answers given by the superintendents of the state prisons of New York (see appendix) that the officers of those prisons are not permitted to make purchases from the prison shops, or to have work done for themselves in them. The commissioners strongly recommend that similar rules be adopted and rigidly enforced in the Kingston penitentiary, and they are persuaded that if this were done a fruitful and constant cause of moral evil, disciplinary disturbance and financial loss to the penitentiary would be checked at its source. They are also of opinion that in order to prevent the confusion of the penitentiary property with the private property of the officers, they should not be allowed to keep any animals or feed for the same on the prison premises.

THE CLASSIFYING OR GRADING OF CONVICTS.

The commissioners think the present system of distinguishing the three grades of prisoners in the penitentiary is unsatisfactory and costly. The principle of having several grades among the convicts, and of allowing them to rise from one to the other by industry and good conduct, is, they are persuaded, an admirable one, calculated more than anything else perhaps to encourage the prisoners to be industrious and well behaved—especially when by their good conduct they are earning also a remission of part of their sentence. The system of classifying and grading the convicts was introduced into the penitentiary in 1860, by the board of inspectors, of which Mr. Commissioner Meredith was a member. It was borrowed from the system of progressive classification with badges and gratuities then recently adopted by Sir Walter Crofton in the Irish convict prisons, and which has ever since worked there successfully. The different grades when first established were distinguished by the simple and easily understood method of fixing coloured stripes on the sleeves of the convicts' jackets. This answered the purpose admirably. But for some reason, which the commissioners have not been able to learn, after Mr. Meredith had ceased to be an inspector, this method of marking the different grades of prisoners was abandoned, and the grades were distinguished by giving each a special suit of clothing. The necessary consequence has been that there are now kept in stock on an average nearly three suits of clothing for every convict, whereas under the former plan not half that quantity was required. Besides the extra cost incurred in the present system there is also the trouble and risk involved in storing away such a mass of clothing and preserving it from moths; and from this cause serious losses have already been incurred. The commissioners would, therefore, recommend that henceforward the same kind of cloth should be used for all the convicts and that the three grades should be distinguished by stripes upon the sleeves of the coat or jacket, as formerly. There is good reason to believe that the proposed system would not only be much more economical than the present one, but also much more appreciated by the convicts. The suits now worn by the three grades are so much alike that no stranger going into the prison would be likely to distinguish one from the other, and certainly could not possibly know which was the lowest and which the highest grade. Whereas the stripes on the arm would be a mark which every one could understand, and one which from its semi-military character would be particularly appreciated by the convicts themselves. Under a recent arrangement in the state prison of New York the convicts are divided into four different groups or classes. Those classes or groups are kept quite apart and are each under special regulations, but the groups are not as yet distinguished by any difference of dress or distinctive badge; though this matter is now under consideration there.

VISITORS.

From many facts which came under their notice during their investigation, the commissioners feel satisfied that the prisoners had secret means of communicating

with and obtaining information from parties outside the prison, and that this communication was carried on mainly through the visitors who are admitted to the prison—in their opinion much too freely. Visitors go through the shops and all over the prison in large numbers with a single guard, and it is quite impossible for the guard to prevent them from communicating with the prisoners should they desire to do so, or from handing to them any small articles which they may have brought with them for the purpose concealed on their persons. The commissioners have no doubt that it is partly in this way that the prisoners have become possessed of the files, saws, knives and other dangerous articles which have been found from time to time hidden away in the bedding or lockers of the prisoners. The commissioners are of opinion that to prevent this very objectionable practice, strict rules should be laid down in reference to the admission of visitors to the prison. The admission of the general public to the prison is certainly not desirable and should be limited to certain hours on one day in the week; and no guard should be allowed to take more than six visitors at one time through the prison, and it should be his duty to prevent the visitors under his charge from having any communication with the prisoners. The commissioners are also of opinion that there should be a more strict surveillance than is now exercised over single visitors who may come to see a relation or friend in the prison.

In his admirable work on "Penological and Preventive Principles," Mr. Tallach, the able secretary of The Howard Association for more than twenty years, gives the world the benefit of his large experience and study of the treatment and prevention of crime. He condemns very strongly the free access which outsiders are often allowed to prisoners in America. In some prisons he says "The prisoners are subject to the idle observation and curiosity of any strangers who choose to pay a small fee for the purpose," and he adds "Whilst marked benefit arises in the prison where visitation from the outside is subjected to discriminating regulations, there can be no doubt but that great mischief both to the inmates and to the community ensues from the reckless license often permitted in America in this matter."

ECONOMICAL MANAGEMENT.

The investigation into the economical management of the penitentiary involves, among other things, an inquiry as to the general system pursued in purchasing the supplies for the prison; as to whether the prices paid for the supplies are fair and reasonable or not; whether goods are purchased which were not required; whether goods purchased are used extravagantly, wasted or misapplied; whether the goods purchased and delivered are of the quality and character they should have been; an inquiry also into the disposal of prison property discarded as no longer required for the purpose for which it was provided; also as to the disposal of the products of prison labour; as to whether the labour of the convicts is employed in such a way as to be at once useful to the prisoners themselves and profitable to the prison; and lastly, whether the important works yearly carried on for the purposes of the prison, such as water works, sewage works, and the heating system, were scientifically planned and are economically operated.

An inquiry into all these matters opens a very wide field indeed, and it has been the business of the commission to give them in their various bearings the most careful consideration.

PURCHASING SUPPLIES.

The system followed in obtaining supplies is sometimes by public tender, sometimes by purchasing in the open market after obtaining quotations from one or more houses dealing in the goods, and sometimes by ordering the goods without first obtaining quotations on specifications submitted.

The supplies purchased by public tender are of great variety, but as no samples of the goods tendered for are submitted with the tenders, the deliveries may be, and in fact often are, of the poorest quality.

The statement of the steward who received all food supplies into his store, that the storekeeper whose duty it is to examine the quality of the goods delivered, is getting too old for the work, and that he, the steward, having practically this duty to perform, rejects nothing fit for food, is a revelation as to the working of the public tender system, which as practiced in this institution cannot be otherwise than destructive to economical maintenance.

A system of inspection that permits bull beef, (so long as it is well dressed, of fair colour and full weight), the mutton of rams and the pork of boar hogs, to be delivered to the institution, which has been and may still be done, as being of the quality called for by the contract, is one that leaves it to be imagined what may be the adulterations, the dilutions, the staleness and the general inferiority of the food supplies that may find their way into the prison store.

The responsibility for the quality of the supplies delivered to the prison must rest upon the storekeeper and the steward. The storekeeper is expected to know the quality of the goods he is required to buy; and it is his duty to know that the goods delivered are of the quality contracted for. If this duty were properly performed by the storekeeper, then the duty of the steward as respects the quality of the food served to the convicts would be limited to rejecting supplies that may have become unfit for use after they were taken into store. The steward states that the storekeeper is too old to efficiently perform his duties, and that for this reason it devolves upon himself in a great measure to examine the quality of the supplies purchased; but he likewise states that he is not an expert in judging the quality of food supplies beyond that of determining whether or not it is fit for food, and that he would not like to set up his judgment against that of the storekeeper, whom he regards as his superior officer, and, therefore, anything fit for food is accepted. That he has a knowledge of the difference between food supplies of a good quality and of those merely fit for food, there can be no doubt, but it appears that fidelity to the interests of the institution as a first duty, is a virtue that has long since ceased to be cultivated by those occupying the higher positions in the prison management. The influence of their example upon the subordinates of the staff has had the effect, except in a few instances, of suppressing all manifestations of this virtue in their individual conduct.

When to this is added that the storekeeper and steward are shown by the evidence to have received, with considerable regularity, doles from some of the dealers from whom supplies were obtained, a condition of things is exhibited from which nothing but waste and reckless expenditure could be expected.

As in food supplies, so it is in the case of trade supplies, as testified by the foreman shoemaker, who states that while the contracts call for No. 1 sole leather, and all leather of the best quality, he is not able to distinguish one grade from another as leather is graded in the market; and therefore no attempt is made by him to secure deliveries at the grade the tender calls for—an equally striking exhibition of the working of the public tender system as applied to most of the trade supplies so purchased. The prices paid for the goods purchased by public tender are generally from ten to twenty per cent higher than the price at which similar goods could be bought in the open market; such, for instance as hardware, paints and oils, some lines of groceries, and all small supplies generally; while goods, with the exception of binder twine fibre, bought after obtaining quotations are as a rule at prices greatly in excess of their value, and for those purchased without first obtaining quotations, as instance the accounts of Clendining & Sons, of Frank Gormley, Garth & Son, and others, the prices are enormously in excess, ranging from 20 to 400 per cent above the market prices of similar goods.

It has been a feature of the practice in obtaining supplies, particularly for the engineer's department, to make the purchases in the United States, and through the medium of middlemen. These middlemen, in notable instances, have been insurance agents, dealers in real estate, or men who knew nothing of the transactions standing in their names, except that they were asked to allow their names to be used for the purpose. None of these men keep books of any description in which the transac-

tions with the prison are entered, or any reference to them made, and, therefore, we have been baffled in locating the parties who have profited by them.

A sample transaction of this kind, for there are many of them, is the purchase of a steam pump for the new water works, by Frank Gormley, using the name of John A. Rafier & Co. The manufacturer's price for the pump and its equipment, which could have been obtained by the penitentiary if purchasing direct, is \$950. It was passed the customs at \$905 and sold to the penitentiary for \$2,260. That this deal was initiated by the engineer at the prison, there is but little room to doubt, as he does not hesitate to declare that any sum that may be appropriated to provide an equipment of any description for the prison, may properly be expended to the full limit in making the purchase, however much the price paid for the article may be above its market value. Where it is borne in mind that these appropriations are made on estimates prepared by the engineer himself, the origin and effect of this feature in dealing with supplies for the prison is made sufficiently clear.

Other instances where purchases have been made of engineers' supplies by the prison direct at prices that suggest depeculation are as follows:—

Sundry purchases of engineers' supplies from an insurance and real estate agent in Montreal, amounting to \$11,604.26, were made at prices averaging 85 per cent over the market value of the goods.

Another account of the same character for metal goods purchased in Montreal, amounting to \$2,382.86, the prices paid average 56 per cent over their fair value.

And another account of a like kind, amounting to \$6,253, for engineers' supplies, purchased from a small dealer in Montreal, whose total business for the year as a custom plumber and tinsmith does not exceed \$7,500, the prices paid in this case average 71 per cent over the market value. In connection with this account there is a charge in the cash book of the dealer of \$50, paid the engineer of the penitentiary as a gift shortly after receiving one or two "good orders" from that institution.

Still another and a recent account of the same description for cast iron water pipe and fittings purchased from a Montreal iron founder, amounting to \$9,996.67, the prices overcharged are 67 per cent in excess of the market value of the goods. In this account is charged a quantity of "extra heavy" soil pipe, which on being weighed by direction of your commissioners, was found to be only "medium," which still further widens the margin between the market value and the prices paid.

And yet another similar account for plumbers' supplies purchased from a Montreal dealer, amounting to \$10,733.28, the average price paid over market value is 46 per cent.

The total of these accounts amount to \$40,970.07, and the average overcharge is 65 per cent, entailing a loss upon the institution of over \$16,000.

This recital by no means exhausts the list of such accounts, as there are many others—those only being given to more generally illustrate the near approach to fraudulent methods which have prevailed in swelling the extravagance of the prison management.

The purchasing of supplies both by public tender and in the open market has been wasteful in the extreme, and it were difficult to say which of the two methods has permitted the greater abuses in practice, and contributed most to the extravagance of the prison expenditure, if it is borne in mind that the public tender prices are generally above the market value for the best, and the deliveries in too many instances are of the most inferior quality.

GOODS PURCHASED BEYOND REQUIREMENTS.

Large purchases of goods have been made from time to time that were either not required at all, or that were greatly in excess of all reasonable requirements. The result has been that some of the goods—such as three damper regulators, costing \$300, purchased two or three years ago, and 300 barrels of cement pur-

chased early in 1896, costing \$720, as well as other goods, are still on hand unused. These goods aggregate several thousand dollars in value. It appears to be the established practice of the prison authorities, when forwarding to the department the yearly estimates to be submitted to parliament, to swell them to the widest limits possible, and at the close of the financial year to take special care that no part of the appropriation for the year should revert to the treasury. To allow anything to revert to the treasury would seem to be regarded as the "unpardonable sin" and no difficulty was experienced in discovering something on which the money might be expended; whether the "something" was needed or not was a matter of little moment.

WASTE OF FOOD AND OTHER SUPPLIES.

The evidence of waste in the use of food supplies came directly under our personal observation, and also came out in the testimony given by the officers. That the convicts find means of obtaining from the store, the kitchen or the dining hall, provisions of nearly every kind the store contains, and that too in abundance, we had an illustration of in a place we saw fitted up without authority in an obscure corner of the trades store. Here were spread out on a bench, formed by a broad ledge to the shelving, the following miscellaneous collection, viz., a stone jar containing several pounds of granulated sugar, a fruit jar with red currant preserves, also bread, potatoes, coffee, pepper and salt, and a complete outfit of tin plates, basins, sauce-pans, knives, forks and spoons, and a coal oil lamp for cooking. The outfit appeared to be in regular use, and that it is not an uncommon thing to have similar feastings going on in many parts of the prison premises, we not only saw more or less evidence of ourselves, but the officers confirm the fact. Food supplies are not the only things wasted in the prison. A large quantity of clothing for the prisoners had been allowed to be moth-eaten and destroyed within the last few years. Nearly the whole of the 300 barrels of hydraulic cement already referred to, purchased last year when a large quantity was already in store, became solidified and of little or no value. As cement can always be procured in a few days when required, and as it is important that it should be fresh ground for use, it is needless to call attention to the folly of storing away a supply of it—more than can be used in a year—in an open shed where it is liable—nay certain—to be spoiled. The responsibility for this large and wasteful purchase of cement rests directly upon the chief trade instructor, who requisitioned for it; and when the prison is placed under competent executive control it should be one of the first duties of the executive to consider the fitness of the chief trade instructor to occupy the position he now holds.

GOODS MISAPPLIED.

The fact that numerous costly instruments bought for the engineer's department, too bulky to be concealed upon the person, have disappeared from the prison, and of which no account can be given other than that they were stolen and carried away by the convicts, illustrates more forcibly than words can describe the flagrant laxity of the discipline. With the facilities afforded to convicts to remove bulky articles from the prison and leave no trace behind, who can set limits to the possibilities of the removal of smaller articles from the general stores, as well as from all parts of the prison to which they appear to have almost free access? That there has been and continues to be a considerable portion of the supplies purchased for the prison use misapplied, and not alone by convicts, the evidence fully sustains.

Two of the instruments which have disappeared are a steam engine indicator costing \$95 and a dudgeon boiler tube expander costing \$65, which were in the custody of the engineer and appear to have been bought in 1894. The explanation the engineer gives for their disappearance is that they were stolen and removed by convicts, at a time when he was absent from the prison through sickness. He does not appear, when he returned to duty, to have made a written report to the

warden respecting the loss of these instruments, as a faithful officer would have done, nor does he give reasons for saying they were stolen by convicts, any more than that they were in his possession, are not to be found, and therefore the convicts must have stolen them. These instruments were not small articles, easily concealed on the person so as to escape detection on a prisoner when leaving the prison; and we are forced to conclude the explanation given of their disappearance is not a satisfactory one. In the course of our investigation we have had brought to our attention the loss of supplies from the engineer's department with startling frequency. As the engineer has frequently been the purchaser from the prison of plant discarded from his department, as well as other departments, which required to be fully equipped and in some cases refitted by him before they were resold, there is a suspicious connection between the disappearance of valuable supplies from his department and his dealings with the prison in discarded prison property. All such dealings it may be added are in direct contravention of the prison regulations.

DISPOSAL OF DISCARDED PRISON PROPERTY.

Steam boilers discarded to be replaced by others of greater capacity and while still serviceable, as well as other prison property, have been disposed of by private sale, the knowledge and influence of the officials being used against the prison to secure the goods for their friends at a nominal price and much below their value. Besides the low price obtained for the property, when it came to be delivered to the purchaser, other valuable fittings were frequently thrown in that were not purchased, to make the bargain still more satisfactory to the buyer.

INCOMPETENCE AND MISMANAGEMENT.

In the planning, construction and equipment of the sewage works of the prison, which have cost over \$14,000, and are operated at an annual cost of over \$2,000, there is abundant evidence that they were badly planned, improperly constructed, faultily equipped, inefficient in operation and are extravagant to maintain, and revolting to attend. For the money they have cost a thoroughly efficient system of sewage could have been installed, one that could be maintained at one-half the present annual cost, and with comfort and decency to the men attending it. While the engineer of the prison is not responsible for the design of the present system, he is not blameless as regards its equipment and operation.

In dealing with the water supply for prison purposes, there appears to have been the grossest incompetence on the part of the engineer. Two objects had to be kept in view. First, securing a supply of pure water for drinking purposes; and second, obtaining a better fire protection. The former object it was hoped to accomplish by extending the intake pipe of the pumping system 600 feet out into the bay, and the pipe for that purpose was purchased and is now in position. After the plan had been nearly carried out to completion, in fact within the last three months, a deep well has been sunk by drilling just inside the prison walls, from which an abundant supply of excellent water for drinking and all other domestic purposes can be obtained. It is unfortunate that the well was not sunk before the heavy expense of purchasing this large quantity of intake pipe and laying it had been incurred; all of which expense might have been saved. To obtain the second object—better fire protection—it was proposed to pump from the intake pipe through a 7-inch main over the top and into a tank placed in a water tower on the prison farm about 2,600 feet from the pumping station, and at an elevation to the top of the tank of 142 feet above it; while from the bottom of the tank is taken a 6-inch return main from which the water for prison use and for fire protection is to be supplied. These mains are now laid and the tank in the water tower erected. That this construction is absolutely useless for effective fire duty, it need only be stated that a column of water 142 feet high, supposing even the tank always to be full, is equal to a pressure of $61\frac{3}{4}$ lbs. per square inch, that in discharging 500 gallons per minute the volume necessary for effective fire duty through 2,600 feet

of 6-inch smooth iron pipe, the pressure by friction and the bends in the pipe is reduced over 26 lbs. per square inch, and that, therefore, there would be a pressure of less than 35 lbs. per square inch at the hydrants in the prison yard. Assuming that the water must then be forced through 200 feet of $2\frac{1}{2}$ -inch rubber hose, the friction in this process further reduces the pressure, so that at the nozzle the pressure would not exceed 20 lbs., a pressure utterly insufficient for anything like effective fire duty. In devising this system and in preparing the plans for its construction, no proper care was taken by the engineer to obtain accurate levels and measurements, or make calculations as to what results might be expected. This extravagant design, planned apparently in utter ignorance of the first principles of hydraulics, has resulted in waste of upwards of \$12,000, in addition to the labour of the convicts, estimated to be as much more. The plan of pumping water to this water tower should be abandoned, one of the two water mains now laid (one of which was entirely useless for the purpose for which it was intended) may be utilized in pumping sewage to the farm lands nearest the prison in summer, and the other left in case at any future time cottages are built in the neighbourhood for any portion of the staff, when it might possibly be brought into use to supply them with water. For fire protection and for water for all other purposes of the prison, it would only be necessary to attach the new pump provided for the water works to the 600 feet of intake pipe, to supply it with steam from the high pressure boilers on duty day and night through the year, and work it under a water pressure regulator to maintain a constant pressure of 80 lbs. on the mains which supply the entire prison system.

SEWAGE WORKS.

Reference is made elsewhere to the unsatisfactory condition of the sewage works system for treating the sewage of the prison. That it is almost utterly useless for the purpose intended, will at once be seen by the statement of a few facts regarding it. The precipitating tank which receives the sewage has a capacity of 15,000 gallons. The natural sewage from the prison is about 35,000 gallons per day, but in addition to the natural sewage, the same sewer which conveys it to the precipitating tank, receives also the storm water from the prison yard and roofs of buildings, and discharges all into this comparatively small tank of 15,000 gallons capacity. After precipitation the supernatant fluid is pumped on the filtering beds, and the sludge on the compost heap. The pumping is continued only during the day, and it has been found impracticable to leave the tank entirely emptied at night. It often happens that from the hour pumping ceases at night and before the hour of resuming it the next morning, the volume of sewage, even when there is no storm water, is more than the tank will contain, and in such cases there is an overflow from the tank; and should a storm occur during the day, the capacity of the pump will not keep the tank from overflowing. Therefore, it is easy to understand why the system, entirely apart from its faulty design and construction, fails to be satisfactory, or that it should be complained of by the citizens of Kingston, whose water supply is polluted by it.

The plan submitted by Mr. Horetzky at the request of the commissioners (which will be found in the appendix to this report) to make the system efficient, provides for the exclusion of all storm water from the sewage, thereby greatly lessening the volume to be treated, and avoiding the possibility of the quantity getting beyond control. It provides also for the enlargement of the sewage receiving tank, and giving it ample capacity to contain the flow of sewage for the night, while it possesses the additional merit of providing for its more scientific, and less expensive treatment, and of utilizing it for irrigation purposes as needed on the lands adjoining the prison. It may be said that the plan generally is modelled after the sewage system constructed under Mr. Horetzky's supervision at Kingston asylum, which we examined with approval, and which has now been several years in most successful use. We are assured by the city authorities of Kingston that they also have carefully examined it and declare it to be in every respect satisfactory in its

operation. We have, therefore, no hesitation in recommending the adoption of Mr. Horetzky's plan (more especially because of the success which has attended its application in a number of public institutions of the province of Ontario), as a solution of the sewage nuisance that has long existed as a menace to the public health and the health of the prison, and as a subject of complaint and controversy with the city of Kingston.

HEATING SYSTEM.

The heating system is operated without regard to the favourable conditions which exist to secure economy in expenditure. There is in use every working day steam to the extent of more than 100 horse power to operate the industries and the water and sewage services of the prison, and every night in the year steam to the extent of 60 horse power is used to run the electric plant. This steam, which now exhausts in the open air, would, if turned into the heating system on the vacuum principle, supply nearly if not quite enough heat to heat the whole prison, at a very large saving in the cost for fuel.

THE LABOUR OF CONVICTS.

The labour of convicts is not directed with the forethought, judgment and precision necessary to secure the best results. Time is lost often in starting in the morning and during the day for the want of steam—the result of inattention in the engineer's department. Time is lost again in closing off the steam for the day before the regular hour—the result being a loss by a short day's work from both the convicts and the free men employed. The engineer and superintendent of the binder twine factory—the two officers chiefly responsible for the success of the industries, do not make their appearance in the morning until long after the hour for starting, and are in the habit of leaving the prison before the hour of closing for the day. These officers should be at the prison punctually at the hour for commencing work, to give attention to a prompt and orderly commencement of the day's labour, and should remain to the closing hour and see that everything is left safe and orderly for the night. Without such attention the industries must always suffer. A large number of the convicts are employed in practically unproductive labour, and there are in the prison of isolation especially, a number of convicts (24 at present) more than three-quarters of whom implore to be given something to do to relieve their minds from distraction, and yet these are kept all the time in their cells like so many caged beasts in absolute idleness. This, while unprofitable to the prison, is most injurious to the convicts, and it must be said in reference to the prison of isolation that the aims and objects for which it was established have been very imperfectly secured for the lack of definite rules and capable management. This prison is admirably adapted to cellular confinement and employment of convicts, and amongst the great variety of articles used in large quantities in the several public departments, which can be produced by manual labour with the aid of simple contrivances, there should be no difficulty in making such a selection for prison production as would keep not only these in the prison of isolation, but all convicts, employed in productive labour. If this were done, even without converting the prison into a great factory employing convicts on the congregate system, the results would soon be seen in greatly reduced expenditure for the maintenance of the institution, and in the improved moral condition of the prisoners.

DISPOSAL OF THE PRODUCTS OF PRISON LABOUR.

It would indeed be a welcome relief if we could turn from the abuses which so largely prevail in connection with the purchase of prison supplies, and discover something of business-like methods in the disposal of the products of convict labour. So far from this being the case, however, we are compelled to say that were the sales of these products as extensive as are the purchases of supplies, it would be

difficult to decide which outrivals the other in the display of weakness and incompetence. The sale of binder twine in 1894 and 1895, and the sale at various times of stone quarried and of stone dressed and also the stone broken by convicts, are examples of improvidence and mismanagement in the business affairs of a public institution, that, we venture to say, has rarely if ever been equalled. The mere mention of the fact that of the sale of binder twine in the year referred to, amounting to \$49,778.91, the large sum of \$15,714.14 is still unpaid, and of which the greater part in all probability will never be collected, emphasizes as no language can, the impotence displayed in this branch of prison management.

THE FARM.

There is a farm of 220 acres attached to the penitentiary. On this farm are employed a farmer, with a house and light provided for him; two teamsters, one of them provided with a house and light; three keepers and guards in summer and two in winter, two spans of horses and one yoke of oxen. There are employed in cultivating the farm an average of about seven convicts during the year. No accurate system of farm accounts is kept, and the quantity of the products as given in the annual reports is simply an approximation which is shown, by the accounts kept as to their disposal, to be far above the actual yield. There is evidence that certain products have at various times been purchased and sent to the farm for storage without being charged to the farm, and when these were drawn upon for the use of the prison they were credited to the farm as being of its products. The produce of the farm is almost entirely consumed in the prison, and thus the nearest approach to a correct account of it is kept by the steward as it is delivered to the institution for consumption. The steward's account, with the account of any sales that are made, and deducting the products improperly credited to it, must be accepted as containing approximately at least the actual yield of the farm. According to these accounts the quantity of the annual produce for the last ten years at the value placed on it by the farmer falls short at the rate of fifteen hundred dollars per year of the return as made in the annual report. Not only are the returns from the farmer misleading as to the yield of products, but the value placed on them is in excess of the price at which they could be purchased in the market; and, therefore, the annual reports, or the accounts from which they are made up, do not contain correct information as to the extent the farming operations contribute to the cost of the prison maintenance. If the piggery be excluded from the farm accounts, as it should be because it is chiefly maintained by the offal from the prison, the money loss in carrying on the farm without charging a dollar against it for convict labour, is not less than two thousand dollars per year. The question naturally arises, is it better to spend two thousand dollars per annum to give an average of seven convicts some little instruction in farming, or to sell the farm, cut off the loss its maintenance involves and find other employment for the convicts? The scattered positions of the few convicts who are employed on the farm necessitates nearly as many instructors, teamsters, keepers and guards as the average number of convicts, to keep them at work and prevent them from escaping; so that farming as an employment for convict labour, under the conditions now existing at Kingston, is probably about the most unsuitable that could be selected, and ought no longer to be continued. We have no hesitation in saying that the prudent course, in view of the interests both of the prison and the convicts, would be to sell the farm, reserving only that portion nearest the prison and occupied as a root and vegetable garden, and also the quarry and piggery, and utilize the purchase money if so desired either in enlarging the cells in the main dormitory—a much needed improvement—or in other necessary prison work. The sale of the farm would greatly contract the field of disciplinary supervision, and would admit of a much to be desired concentration on the discipline and work within the prison, and to a large reduction in the staff of guards, as elsewhere pointed out.

PRISON INDUSTRIES.

The prison industries are not in all cases well selected or well arranged to secure the best results. A large number of convicts are employed in quarrying, stone dressing and stone breaking—about one hundred and fifty in all. So far as the labour so employed contributes to the rebuilding of the south wing, now in course of construction, or to the other extensions of the prison that may be in contemplation, it is wise to continue it, but beyond the actual requirements for this purpose, the labour should be turned into other and more productive channels. The quarrying operations are not well arranged, or well managed. Under more efficient management the same amount of work could be done, the safety of the convicts secured and the business generally conducted at a greatly reduced expenditure for teamsters, guards and keepers. The stone dressing shop is reasonably well conducted; but the labour of the men at work on the stone pile—sixty-six in number—may be regarded as labour wasted, so small a figure does it make in the prison revenue, or in the enhanced value of the material sold, or of that required for prison purposes.

TAILOR SHOP.

The tailor shop, including changing room under the supervision of a master tailor and assistant, is over supplied with convicts for the work done, or to be done. Out of the 54 convicts employed there, twenty at least could be used at other work were it provided for them. The cost of this department in respect to salaries paid is excessive and should be reduced.

SHOE SHOP.

The shoe shop should be under more capable management in order to secure the delivery of the necessary material of the best quality and as called for by the contract. The foreman shoemaker is believed to be faithful and conscientious in the performance of his duties, but is lacking in the technical knowledge of the materials used in his trade to make his department of the value it should be to the prison.

BINDER TWINE FACTORY.

The binder twine factory is likewise over supplied with convicts, having 43 to run a plant which consists of only 44 spindles an excess of at least 15 men over the number actually required for the work. The amount paid for free labour in connection with this industry is also much greater than it should be. Under proper management this amount could be substantially reduced without any risk of impairing the quality of the product of the factory.

The branches of trade above referred to are not specially mentioned as being the only ones that invite criticism, but rather for the purpose of disclosing a condition that may be said to pervade almost every one of the prison industries.

The general lack of useful employment for the convicts has had the effect of overcrowding the departments where such employment is provided; and the result is, as in all cases where there are two men to do the work of one, listlessness and half idleness in nearly every branch of the prison work and management. It is fruitless to point out the failings—and they are manifold—which afflict the entire prison system, as it now is, and as it must continue to be if it is to be left without a capable and forceful executive head, assisted by practical and intelligent inspection, to send through it vigorous and commanding currents that will rid it of its disorders, and bring into activity its dormant moral and physical energies.

Were it permitted to direct the labour of the convicts on strict commercial lines, it would not be difficult to suggest the branches of trade best suited to convict labour and offering the best prospects of successful prosecution. If, however, it be laid down as a principle that the general products of the prison shall not be put into

competition with the products of free labour in the open market, then if the labour of the convicts is to be turned to productive account, it will be necessary to select from the great variety of goods required for use in the public service, such articles as can with advantage be made in the prison, with simple tools operated by manual labour. That it is quite within the bounds of possibility so to profitably employ the convicts, we have the most confident assurance; the condition to success being careful, intelligent, and competent management, and without this nothing within or without a prison can succeed.

PENITENTIARY AND CENTRAL PRISON COMPARED.

Your commissioners think it important to compare the cost per capita for maintenance in the penitentiary with the per capita cost in the central prison, Toronto. The distance between these two institutions is 163 miles, and the one is as well located as the other in respect to markets and for conveniences in obtaining supplies of every description. The figures used in the comparison were supplied by the accountants of the respective institutions, and in both cases are limited to the cash expenditure for maintenance proper, to the exclusion of the trades and industries. No charge is made in either case for prison labour employed in cultivating land, or for the products of the land used in prison maintenance. The penitentiary has a farm of 220 acres attached to it, of which 168 acres are under cultivation; while the central prison has less than ten acres of land under cultivation. The central prison pays for its water supply and the penitentiary has a free supply. There are certain fixed charges in both institutions, consisting chiefly of salaries and heating and lighting. The per capita cost in respect to these charges is increased or diminished as the prison population advances or recedes; and the institution with the larger population has the advantage of a reduced average as compared with the other. The penitentiary population is 45 per cent greater than the population of the central prison. The cubic contents of the buildings heated and lighted in the penitentiary are 2,155,992 feet, and in the central prison 3,082,000 feet. It will, therefore, be seen how seriously the prison is handicapped in this comparison, and how generously fair it is to the penitentiary.

COMPARATIVE Cost of Maintenance, Central Prison and Kingston Penitentiary for years 1892-'93, '94-'95 and '96:—

Year.	Average number of prisoners.		Cash Expenditure.		Per Capita Cost.	
	Central Prison.	Kingst'n Peniten-tiary.	Central Prison.	Kingston Penitentiary.	Central Prison.	Kingston Peniten-tiary.
			\$ cts.	\$ cts.	\$ cts.	\$ cts.
1892.....	321	562	60,701 87	117,485 37	189 45	209 05
1893.....	319	514	59,839 07	112,111 88	186 98	218 12
1894.....	378	473	60,479 59	111,574 70	159 47	235 88
1895.....	384	516	64,168 82	118,698 94	166 59	230 03
1896.....	387	551	63,777 77	113,496 98	165 20	205 99
Averages for 5 years.....	358	523	61,793 42	114,673 55	172 70	219 18

No account has been taken of the earnings of the prisoners in the above statement, as the object is to show the gross cost of maintenance; but if the earnings of the prisoners be taken into consideration, the net per capita cost in the central prison will be shown to be little more than half the per capita cost in the penitentiary.

THE ASYLUM FOR LUNATICS.

The building within the penitentiary walls now occupied as a criminal lunatic asylum can hardly be too strongly condemned. The mere statement of the fact that the building is inclosed within the walls of the prison is in itself its condemnation, as no locality could possibly be more unsuitable for the purpose of an asylum, if indeed, it is hoped or desired that the inmates should be restored to reason. Mr. Moylan, when inspector of penitentiaries, year after year, emphatically condemned the building, and urged either the erection of a suitable building outside the walls, or the sending of the insane convicts (as is done in the States) to a public asylum. We cannot do better than quote Mr. Moylan's words, "While the cells and day rooms are all that can be desired, there is nothing to brighten the dreary hours or cheer the darkened and joyless minds within this dismal structure of massive stone and iron work." There is no exercise ground except a small yard surrounded by high walls and not used at all in winter, so that the patients are practically shut up the greater part of the year without any exercise in the open air. The strictures passed upon the building by medical experts have been, Mr. Moylan assures us, many and severe, and one English authority on insanity has, he tells us, pronounced it "as utterly unfit for the purpose and a disgrace to the country." The commissioners feel bound to declare that in their opinion the present provision for the insane in the penitentiary is neither in keeping with the benevolent spirit of the age nor with Canada's well deserved reputation for her humane and liberal treatment of the afflicted classes. The surgeon of the penitentiary cordially concurred with Mr. Moylan in urging the erection of a suitable asylum outside the walls, and in 1891 an appropriation was actually made for the purpose. The field at the east end of the prison building was chosen as the site and the plans for the building were actually prepared; but there the matter ended and nothing further has been done. There are now 24 or 25 convicts incarcerated (we cannot say under treatment) in the building; the average number being less than 30. While we think that it is inhumane and cruel to keep these unfortunate creatures in the building they now occupy, we believe that they could be bestowed with greater comfort and benefit to themselves and with greater economy to the country if instead of erecting a building outside for the purpose, they were sent to the public asylums of the different provinces to which they belong; and they cannot see any reason why satisfactory arrangements might not be made by the federal government with the several provincial governments for that purpose. The commissioners are gratified to learn from the report of Mr. Stewart, the inspector of penitentiaries, for 1895, that negotiations for this purpose are actually in progress between the federal and provincial governments. This arrangement would have to recommend it, the fact that these unfortunates would not only be thus secured the benefit of proper medical care and treatment, but also the incidental advantage of being placed within more easy reach of any friends or relatives who may be interested in them. Should it be found impracticable to carry out the scheme above suggested, which the commissioners consider as being in every way the more desirable one, there does not appear to be any other solution of the difficulty than the erection of a suitable building outside the prison walls. In connection with this latter method of dealing with the difficulty, the commissioners would call attention to the remarks of the able medical superintendent of the asylum for the insane at Kingston in his annual report for 1896. "It is becoming," he writes, "more and more evident that the time is at hand when the Dominion and provincial authorities should agree on the erection of a small building, preferably in connection with some of the present institutions, for the care and detention of the criminal insane, as well as the worst of the insane criminals. In this particular respect we are far behind other countries, and the general public naturally feel reluctant to acquit persons on trial for grave crimes, although manifestly insane, on the ground that if acquitted they are merely locked up in the hospitals, where the chances of escape are far greater than they would be in a properly arranged criminal asylum."

THE FEMALE PRISON.

For many years Mr. Moylan, the then inspector of penitentiaries, earnestly and repeatedly in his annual reports urged upon the government the removal of the female prisoners from the building they at present occupy within the walls of the penitentiary to some suitable building outside the walls and at some distance from the penitentiary, so that the male and female prisoners should not be able to see or hold communication with each other.

The government seem at last to have yielded to the earnest representations of Mr. Moylan and to have decided to erect a building for the female prisoners outside the prison walls. A site was selected behind the residence of the warden, plans for the building prepared and the appropriation made for the purpose, but with the exception of building part of the inclosing wall nothing further was done. The commissioners think it fortunate that the building was not erected, as while they agree with Mr. Moylan as to the necessity of removing the female prisoners from their present very objectionable building, they are persuaded that the small number of prisoners—about 25 or 30—usually confined in the female prison, can be bestowed much more economically and in every way more advantageously than by the erection of a costly building to receive them. It may be well to state very briefly their reasons for thinking it desirable that the female prisoners should be removed from the present building. In the first place it is now quite a settled principle in prison ethics that it is wrong to have a female prison within the walls of a penitentiary for male prisoners. The commissioners consulted by letter the superintendents of the states prisons of Sing Sing, Auburn and Clinton, in the state of New York, and find that in that state the males and females are always confined in separate and distinct buildings. (See Appendix "A.") Besides this fatal objection to the building as being within the walls of the penitentiary for men, the building itself is in many respects unsuitable and defective. The following are some of the defects:—

The dormitory is in the basement, two feet below the level of the ground; the floor is of stone; the majority of the cells are small and dark; the only exercise ground is a small yard inclosed by a high wall; and the hospital and laundry are both inadequate.

Should the government agree with the commissioners and with the late government in thinking it desirable that the female prisoners should be removed from the present building, the commissioners would recommend that the federal government should enter into an arrangement with the government of Ontario for the reception of these prisoners in the "Mercer Reformatory" at Toronto, on such terms as might be agreed upon by the two governments. The Mercer building and surroundings are believed to be admirably adapted for the purpose. It might indeed be well to consider, though a less desirable alternative, Mr. Moylan's suggestion of sending the female prisoners from the maritime provinces to the Dorchester penitentiary; if, as he assures us, "good and sufficient accommodation is available" for them in that prison, where, as he states, these prisoners were for some years satisfactorily confined. Mr. Stewart, the present inspector, states that the ward for females in this prison could be rendered safe and comfortable.

If the building now used as a female prison were vacated as proposed, it could be used with great advantage as a store-room. It would be much more convenient and commodious for that purpose than the store-room now in use; and being in the immediate vicinity of the offices of the warden and the accountant would necessarily come more directly under the surveillance of these officers, and the irregularities in connection with it, arising out of its present isolated position, would be prevented.

SEWAGE DISPOSAL SYSTEM.

The satisfactory disposal of the penitentiary sewage has been, for many years past, one of the most perplexing problems for the authorities of the institution, and one which unfortunately is still waiting for solution. Shortly after the commissioners entered upon their inquiry at Kingston, the chairman of the city board of

health waited upon them and urgently pressed the necessity of promptly dealing with the subject. The citizens have repeatedly represented to the government at Ottawa that the water of the lake from which they derive their supply for drinking and other domestic purposes is polluted by the discharge of the penitentiary sewage into the lake at a point hardly a mile from the city. The system which the commissioners recommend for dealing with this difficult problem is given elsewhere in this report; and the commissioners have little doubt that if carried out, it will prove entirely satisfactory.

PRISON INSPECTION.

There is much we have had to condemn in the management of the penitentiary, that it is not reasonable to believe could have existed had there been, even in moderate degree, efficient inspection. It cannot be credited that reports have been made to the Department of Justice detailing the disorders and irregularities which have prevailed for so many years in the prison management without prompt measures being taken to restore order and discipline and to secure fidelity to prison interests on the part of those entrusted with the conduct of its affairs. A course of inspection that has not acted as a check on the irregularities and extravagance, apparent in nearly every department, to even an ordinary observer, must either have been perfunctory in character, or else conducted without the necessary knowledge to properly perform the duties. That these duties may be efficiently performed there must be a wide knowledge of business matters generally and particularly of the qualities and value of the various kinds of merchandise required for the prison use. There should also be a keen power to detect any lack of order or looseness of management and the ability to apply the remedies to these defects. It is likewise important that there be a sound judgment as to the best methods of employing prison labour, with the object of reducing as far as possible the cost of prison maintenance, and employing prisoners at such work as will be at once profitable to the prison and of service to the prisoners when released. It is to be admitted that these are qualities rarely found combined in the same person, and no reflection is intended on the character of the efforts made heretofore to perform the duties of inspection in saying that, had these qualities been brought to the exercise of the office, this investigation probably would not have been necessary. Certain it is that hitherto there has been lacking in the inspection (whatever may have been the knowledge or experience of the inspector) the faculty of applying it in the work of inspection to the upholding of discipline, faithfulness in the performance of duty on the part of officials, and economy in all that is implied in efficient prison management generally.

DOCUMENTS MISSING AND PAPERS DESTROYED.

A perusal of the various books, letters and documents which came into the hands of the commissioners from time to time during the course of the inquiry led to the investigation of certain questionable acts of some of the officers, and this proved to be the most unpleasant portion of their work. Many of the participators in these transactions are dead, some firms dealt with had gone out of business and most of their books and papers were scattered beyond reach, much of the prison departmental book-keeping was of a very inferior character and not at all reliable, in consequence of which some of the returns were valueless; originals and copies of correspondence in some cases had not been kept, and in others had been deliberately destroyed. Many original documents were missing from the prison and the departments at Ottawa; amongst the missing are the successful tenders and some of the contracts for fuel for several years, and the alleged tenders for heating the protestant chapel and dining-room and for sanitary appliances for prison of isolation.

There was a marked reluctance on the part of many officers throughout to give testimony which might hurt their brother officers, a constant pleading of verbal instructions from some superior, and a shuffling of the responsibility from the shoulders of one to the other, and, failing this, to those of some dead man. Especially was this the case with the ex-warden, engineer and deputy warden.

FORMER INVESTIGATIONS.

The investigations of 1892-93 have been before referred to on several occasions, and inasmuch as they were conducted by prison officials, the commissioners consider they have a right to refer to them briefly. Certain very serious charges had been made chiefly implicating the ex-inspector and ex-warden Lavell. Two investigations were held—the first in July and August, 1892, and the second in November, 1893. It appears strange that the ex-inspector was on both these occasions instructed to inquire into charges affecting the honesty and integrity of himself and the ex-warden, and that these two gentlemen between them conducted the entire examination. Under these circumstances, the result is not astonishing. The commissioners consider that the evidence procured at these investigations was ample to warrant the dismissal of the then warden, accountant and farmer, and that an abundance of additional testimony in the same direction could have been obtained had an honest effort been made to do so. An examination of the evidence taken on the occasion will establish the truth of this assertion; and one or two instances will suffice to show the care taken to avoid getting at the facts. Bowen, who was appointed as a teamster, but who was actually in the capacity of butler to the ex-warden, had most intimate knowledge of all the wrong-doing at the warden's residence and farm, but was not called at first investigation. O'Conner the miller was not asked on either occasion if the warden or other officers got any supplies from the mill, yet tons of it went to the warden and deputy; and so on throughout the whole inquiry.

The second investigation was somewhat more rigid than the first, no doubt owing to the fact that in the meantime public opinion had been roused in connection with the matter, and yet notwithstanding the damaging disclosures affecting the ex-warden on that occasion, he escaped with scarcely a reprimand, and some time afterwards was allowed to retire and avail himself of the benefit of the superannuation fund, while Scobell, the accountant, for offences no more heinous, as brought out in this investigation, was dismissed from his position.

The evidence of William Bowen, Lawrence Laughrain, Neil P. Wood, Patrick Connors, guard Kennedy and Rosanna Fahey, and others, taken on this investigation deals with matters inquired into in 1892-93 and gives some further information on these points.

Between the dates of these two investigations, the personal accounts of the officers who were accused of misconduct were audited, and they were charged with certain goods which they had taken from the prison supplies and had not up to that time accounted for, and a rebate nearly, if not quite, equal to the amount thus charged was allowed them.

The work of the commissioners would have been indefinitely prolonged had they made inquiry into the conduct of every officer. They have reason to believe that if the supervision of the prison is put in competent hands, it will be found that there are others on the staff whose services for various reasons could be advantageously dispensed with, and in dealing with such cases the prison authorities, if competent, should have a free hand.

THE STEAM YACHT "JUNO."

It is thought well to say a few words in reference to this boat, as it is a glaring instance of the system of extravagance which appears to have fastened itself upon the management of this institution, and for which some of the present officers are in a large measure responsible. Prior to its purchase there was a small boat at the prison used for towing stone barges to certain military works then being erected near Kingston. When these were completed there was no further use for the boat for prison purposes, and for pleasure purposes she was not suited. This craft, with a boiler worth \$425, was traded for the "Juno," which was then a very old boat and of little value. From the day of her purchase until she was destroyed, there is no record of any prison work having been done with her, but during all that time she was known as the warden's boat, and was in frequent use by the then warden

and his friends, or by some other officer of the penitentiary with his permission. She was manned by convicts and prison officials. All her supplies came from the prison stores, and hundreds of dollars of prison funds were expended yearly for these supplies, and for necessary repairs and improvements; and to this loss must be added the time wasted upon her by convicts and officers. Apart from the pleasure furnished to the prison officials, she seems to have served no prison purpose, save that of affording a means of escape to the two convicts, Kelly and Scoons, before referred to. Upon the day on which this escape occurred, the deputy warden and engineer were using the boat, and upon bringing her back to the prison left her in charge of one of these convicts. No sooner were the officers' backs turned than the convicts seized the opportunity thus afforded them, and headed her for the open lake. Gas-maker McEvoy discovering what had occurred, immediately notified three guards who opened fire on the boat with their rifles, but without effect. She was beached and scuttled near Sodus Point, N.Y., and afterwards brought back by the deputy warden, but without the convicts. For some unaccountable reason, no punishment appears to have been meted out to those who were responsible for this occurrence, and in fact the commissioners were unable to find that any investigation into the matter had taken place. The boat was in some mysterious manner burned at the prison dock in 1894. The boiler and engine were sold for \$37, and the other furnishings went to engineer Devlin for \$2.25.

There is ample evidence that those who were responsible for the management of the prison knew of the purchase of this boat and the purposes for which it was employed, and yet no steps seem to have been taken to prevent the abuse.

FURNISHING OF WARDEN'S RESIDENCE.

The commissioners understand that it has been decided by the department to discontinue furnishing officers' houses, and in view of what is disclosed by file No. 126 of 1895, of the penitentiary branch of the department of justice, the public accounts and the evidence of Mr. Wm. M. Drennan, and the statements of accounts filed, the decision has not been reached any too soon.

The facts connected with the furnishing in 1885, and the dismantling, ten years later, of the warden's residence, are briefly as follows:—

During these years there was expended for furniture, carpets, curtains, gas and electric light fixtures, etc., over \$3,000.

All the goods purchased for this money, excepting some of the gas and electric light fixtures, have disappeared from the residence and prison, and all the government have received in return is \$213.85. The documents filed herewith show that pursuant to the request of the then warden, an official was sent from Ottawa for the express purpose of valuing the property of the government then in the residence, with a view to its purchase by the warden. Only a portion of the property referred to was valued, and this at such ridiculously low figures as to indicate the utmost bad faith on the part of all connected with the transaction. The department, on the recommendation of the inspector, acted upon this valuator's report, and the sale was made accordingly. A comparison of this report with invoices to hand, shows that considerable of the furniture purchased by the prison from time to time was not included, and is not to be found. No valuation or sale of gas or electric light fixtures, or other goods save those mentioned in the schedule, was made, yet the ex-warden took many of them away with him. For this transaction the inspector and valuator are responsible. The negotiations for the purchase of that portion, the sale of which was agreed upon, were conducted through them. It is quite apparent from the inspector's letter of 3rd October last to warden Metcalfe, and his letter to the commission, that he was in possession of sufficient knowledge in connection with the matter to put a prudent and zealous officer upon inquiry, and whether his information was official or otherwise, could not justify his inaction. He volunteered no information to the commissioners on the point at any time, and did not know they were making any inquiry into the affair until a considerable time after he had knowledge of the transaction.

The evidence of W. M. Drennan establishes that he sold to the penitentiary for the residence only \$1,253.75 worth of new furniture, but that \$1,636 was charged. The difference was for old furniture belonging to the ex-warden which he induced Drennan to include in the bill sent to the government, and on account of which, Drennan says he paid him a commission.

The ex-warden attempted to place the responsibility for this transaction with Sir Alexander Campbell, but failed to establish the truth of his contention.

EX-WARDEN LAVELL.

Although the official connection of this officer with the penitentiary ceased last year, nevertheless, several matters came under the notice of the commissioners in the course of their inquiry, which made it impossible for them not to look into some of the transactions with which he was connected while warden of the penitentiary. In doing so they found it necessary to peruse carefully the evidence taken at the investigation held by ex-inspector Moylan in 1892-93, into certain charges made against himself and the above named officer. It requires but a reading of this evidence to demonstrate that the bulk of these charges were fully proven, but for some reason were not so reported. It is shown that this officer helped himself freely to the prison supplies and farm produce, including coal, wood, pork, vegetables, hay, convict labour, etc., etc., to none of which he had any legal right.

For years the coal contractors brought the coal to the prison in vessels; the coal was not weighed, the bills of lading being accepted as a correct statement of the quantity delivered. The warden took what coal he required for his own use. This again was not weighed, but the contractor deducted twenty tons from the quantity called for by the bill of lading. These twenty tons were charged to the warden and the balance to the prison. During three years (1889-90-91), the warden had paid nothing for coal which was thus charged, and had not been asked for payment by the contractors; but on July 14th, 1892, he gave the contractors his note for the amount—\$270.40—and this is said to have been afterwards paid. It is significant that the investigation by Mr. Moylan was commenced on the 13th July, and this note was given the day following. The evidence establishes to the satisfaction of the commission that the ex-warden got from the prison twice to four times the quantity of coal charged to him by the contractors.

There can be no question about the ex-warden having used in his own house and elsewhere large quantities of prison farm produce for himself, family and friends, to which he was not entitled, and for which he did not pay.

He claims to have received from Sir Alexander Campbell (dead years before the claim was set up) the right to use as a garden several acres of land in rear of the warden's residence. The commissioners find it difficult to believe that any such concession would have been made by Sir Alexander Campbell without its being placed on record in some way. The facts in this connection established beyond dispute are that this piece of land was sown by convicts with seed purchased out of prison funds, and that all labour for the garden was supplied by convicts and prison officials. The evidence goes to show further that the quantity of vegetables grown on this patch was small; that what little surplus there may have been in the fall was put in the prison farm cellar, mixed with the farm vegetables, and that during the balance of the year the ex-warden drew from this cellar whatever he wanted. There was absolutely no restriction upon his demands. In the same way pork, hams, lard, etc., were supplied him and others, and pigs were actually sold and the proceeds used to purchase other goods for the ex-warden, or handed to him in cash. These things have been before examined into, but there are some more recent occurrences connected therewith which shed some light upon past dealings.

In the interval between the investigations referred to, the penitentiary accountant, Mr. Foster, was set to work examining, amongst other things, the prison accounts, and he was able to establish that the ex-warden was indebted for

the following amounts which were not charged to his personal account, but which could only have been a tithe of what he was actually liable for:—

Farm produce and pigs, etc.....	\$123 50
Washing for 17 months.....	34 00
Fuel.....	325 52
	<hr/>
	\$483 02

His total account to that date, including above items, amounted to \$1,336.86, and it will be found that, while he was made to pay the above amounts, his account, then long past due, was discounted by order of the then Minister of Justice to the extent of \$412.50.

Ex-miller O'Connor says the ex-warden received several tons of feed each year during the eight years the mill was in operation, which was charged to the prison, by orders of the ex-warden, and that he also got a similar quantity of bran and shorts, which were charged in the same way. The questions asked this witness on his examination in 1892 show how deftly the examiner avoided getting the information which might have been had for the asking. Only a small portion of these goods have been charged to or paid for by the ex-warden.

The commissioners deem it advisable not to make any recommendation in this case; the end sought being to reveal the all embracing extent of the evils which have been and are the bane of the penitentiary management.

THE WARDEN.

Before speaking of the present warden in his official capacity, the commissioners wish to state that their relations with him during their protracted investigation have been most friendly, and that he has always afforded them every facility in his power for conducting their inquiry into the affairs of the penitentiary. For the important position of warden of the penitentiary, they are of opinion that he possesses some valuable qualifications. They believe him to be a man of a kind and amiable disposition, anxious to deal fairly and considerably with the officers on his staff, and with the prisoners under his charge; and zealous to promote so far as he understands it, the interests of the institution. But while readily admitting all this, they cannot but see that the warden is lacking in some of the qualifications which are absolutely essential to the efficient performance of his important duties. He is neither a disciplinarian nor a man of business, nor does he, in their opinion, possess the power of commanding men, the faculty of making his authority and influence—in a word his personality—felt and respected throughout the prison, both by the officers of his staff and by the prisoners. He does not understand the necessity of rigidly enforcing the prison discipline and prison regulations, and of not allowing any officer to neglect or violate them; and to this is largely due, as stated in some of their separate reports, the laxity of discipline which prevails throughout the prison and the general ignoring of the authority of the warden. In view of these facts the commissioners feel compelled to say that they think that it would be in the public interest and in the interest of the prison, if the warden were allowed to retire.

THE DEPUTY WARDEN.

Quite apart from the general listlessness exhibited in the enforcement of the rules and regulations, there are several specific cases in which the carelessness or negligence of this officer has led to the actual escape of prisoners, and the occurrence of other still more serious outbreaks on the part of convicts were prevented only at the last moment, and then by mere accident; and it is worthy of note that in many of the worst cases no investigation was held, nor any report made of the occurrence to the department; in some of them innocent men were made scapegoats of, as in the case of stoker Haley; and in all the deputy warden escaped unpunished. He was primarily responsible for the escape of the two prisoners by the prison yacht

'Juno' in 1887; and his carelessness furnished the means of escape of McDonald and Myers in December 1896. The carelessness of himself and those immediately under his charge led to the undermining of the prison wall in 1895; and the secret-
ing in the prisoners' cells and lockers of the vast quantity of knives, files, saws, etc., which were found there during the search made at the instance of ex-blacksmith instructor Tracey in the same year.

There is another class of cases closely connected with the foregoing, and, in many respects, of quite as much importance: *i. e.*, cases where convicts were permitted to be absent from their cells for other than prison purposes; sometimes after hours; sometimes beyond the prison limits, and very often both.

The yacht "Juno," when used by the deputy, or those acting for him, was usually manned partially by convicts, who when so employed not only were beyond the prison limits, but were upon most occasions out after the prison hours.

Convicts were employed before and after prison closing hours in building the deputy warden's cottage on Horse Shoe island, and, as was before referred to, two of them were on one occasion absent from the prison all night upon an island, with a steam yacht at their disposal, and nothing save an unarmed officer to prevent their escape.

The deputy frequently made use of a convict as a horse trainer; and often, upon his own admission, accompanied him beyond the prison limits. Another convict was occasionally taken from the cells after hours to work upon his boat.

There appears to have been special liberties extended to the convict or convicts who from time to time were employed about the piggery; and there is evidence that on more than one occasion, one of them at least, was permitted to go about beyond prison limits, in clothes other than prison garb, furnished him by prison officers. In this particular case the deputy may not have been directly to blame, but it was the natural result of the bad example set by him.

The deputy warden's only defence to these charges is that he had sometimes the verbal permission of the warden. He ought to know that no officer can be allowed to plead consent of his superior—no matter how obtained—as justification for direct violations of prison rules and discipline.

The evidence of the deputy warden himself, ex-farmer N. P. Wood, chief keeper Hughes, ex-miller Patrick O'Connor, ex-chief trade instructor Adams, engineer Devlin, guards Koen and Kennedy, stoker Coffey, Charles D. Franklin and William J. McNeill, and others, together with a perusal of the penitentiary accounts—particularly the deputy warden's personal account—and the evidence taken in former investigations, leave no room to doubt that much of the convict labour was given to this officer, and much of the prison property and products of the farm and workshop found their way to his hands without any remuneration therefor going to the prison. He admits using the prison labour without paying for it in the building of his cottage, enlarging his boat, making boiler and engine for same, training his horse, and sawing his wood; and there is sufficient evidence to satisfy the commission that he has had the almost exclusive services of four convicts the year round, one about his residence, one at his stable, and two in his garden.

His testimony regarding certain prison materials from time to time used by him, and the supply of hay, straw, bran, chicken feed, etc., which came to his premises from the prison farm, was very unsatisfactory. He admits, however, that materials used in 1889 in lengthening a certain boat belonging to him, and in making a boiler and engine therefor, were the property of the prison and not paid for by him.

The evidence of himself and the witnesses before mentioned, with that taken on the former investigation, establish that considerable quantities of hay, straw, feed, etc., were received from the prison supplies by this officer for his own use. For the maintenance of his horses, cows, pigs and poultry during ten years he has been able to satisfactorily establish the purchase of only \$91.15 worth of feed, and a load or two of hay and straw in addition to which he furnished the refuse of his table and kitchen. The commissioners can arrive at no other conclusion than that, apart from the quantity of feed above mentioned, his animals, during the past ten years, have been fed from prison supplies, for which he has not been charged.

There are other matters in which this officer was equally culpable, as for instance, the breach of discipline in the Stinson-Gormley lock matter; the use of prison horses by himself and sons when they were needed for prison purposes; neglect to obey order requiring him to remove all animals from prison property; and many acts of a like nature.

During the time the investigation of 1892-93 was in progress, and at the same time that ex-warden Lavell, engineer Devlin, and others, got a considerable reduction upon their accounts, the deputy was similarly treated. The charges in the original account seemed so reasonable, that the commissioners asked him to prepare a statement showing those of which he complained, and in respect to which he claimed rebate. This statement is filed herewith and speaks for itself. The original prices charged are so low that reduction of them seems ridiculous.

The commissioners are of opinion that having regard to the deputy's long service, and his weight of years, coupled with the fact that most of his offences were apparently committed with the knowledge of his superiors, or were condoned by them, he should be allowed to retire.

THE PRISON SURGEON.

From extensive inquiry amongst the prison officials of all grades, and from several matters which have come under the observation of the commissioners while at the prison, they have been forced to the conclusion that a change in the office of the prison surgeon is desirable. This is due solely to the increasing age and infirmity of the present officer, and the consequent loss of confidence by those most interested—the patients—in his ability to properly and efficiently perform the duties of his office.

We, therefore, recommend that Dr. Strange be allowed to retire, and a younger and more energetic officer appointed in his place. This recommendation will, we believe, be found to be in line with that already made by the present inspector, and which was favourably considered heretofore by the government of the day.

THE PRISON ENGINEER.

James Devlin has occupied this position at the Kingston penitentiary since 1885, prior to which time he was engaged in a similar capacity at St. Vincent de Paul penitentiary, and before that he was employed in the public works department at Ottawa.

His duties at the Kingston prison comprise the management of the heating, lighting, water works, steam power, electricity, and sewage systems; the two latter having been put under his charge recently.

What he may have done in the position held by him formerly we do not know, but it is quite apparent from the mass of evidence presented to the commissioners, that since his entry into the Kingston penitentiary his record in connection with the departments over which he has exercised control, has been one of reckless extravagance, coupled with more than ordinary incompetence. The evidence, which consists chiefly of his own correspondence and official documents, shows that he was in a position to know, and could not but know thoroughly the qualities and prices of all goods purchased for use in his department. He made requisitions, gave estimates, had catalogues, price lists and correspondence with the firms from whom the goods were purchased. He largely directed where the orders were to be placed, and, for many years at least, acting under instructions from his superiors, estimated the prices which ought to be paid. Attention has been drawn elsewhere to the enormous prices paid for the ordinary staple goods used in connection with his department; and it is not surprising that this state of affairs existed, when we find the engineer boldly declaring on his examination that he did not know, and did not care, what prices were charged, that it was no part of his business to see that the affairs of his department were managed economically, that he never attempted to get lower prices; but in fact did what he could to favour the seller, being of opinion, as he

said, that every one dealing with the government was justified in getting the highest price they could. Never but once, he says, did he object to the prison paying too high a price for any article, and on that occasion he asserts that Sir Hector Langevin—who was then minister of public works—threatened him with dismissal if the offence was repeated. He was, however, able to establish that he was not guilty of the crime charged, and was careful afterwards to so act that no similar accusation could be made against him.

It will be noticeable through his evidence, that he was aware that somebody might be called to account for the extravagant prices paid, and consequently attempted to shirk any responsibility in connection with the matter; but no other conclusion can be arrived at from his correspondence, than that he was a party to what was going on, and did all he could to assist it. Both his correspondence and his admissions establish that he did all he could to favour certain Montreal merchants, notably Garth & Co., Chanteloup, Gormley, Clendenning & Sons, and Markum. With all these he was very friendly, and showed it in a very practical way; and some of them at least returned the compliment.

Many very striking instances are to be found of his having given to dealers information which a loyal and prudent officer should never have divulged. This will be seen in his correspondence with Chanteloup and others; and amongst other things will be found instances where he called the attention of dealers to the fact that they were charging a lower price for their goods than formerly, and intimating to them that they might amend their account so as to secure a greater price from the prison. All this is in keeping with his rather flippant remark that, "it was no part of his duty to see that the department was carried on economically." He was largely instrumental in introducing middlemen into transactions, which in the interests of the institution should have been carried on directly with the manufacturers or principal dealers; and he did not hesitate to say that he did not mind their introduction, as it was a benefit to him.

The evidence also goes to show that those in authority at Ottawa, and members of parliament, had suggested to the prison officials the names of middlemen with whom it was expected that certain business of the prison should be transacted; and apparently in these cases, instructions so received were followed—much to the loss of the prison.

It has been suggested that the specially favoured contractors were not unmindful of the many kindnesses extended to them by this officer. We find, for instance, that on May 20th, 1891, John Markum paid him \$50 by way of recompense for securing for him certain orders. He denies this, but the evidence of Markum, and the entry in Markum's book, are sufficient to convince any reasonable man of the corrupt nature of the transaction—quite apart from the fact that Devlin's evidence is of such a character as to make him unworthy of belief in any matter in which he is personally interested.

An examination of Chanteloup's books and papers showed that even while Devlin was engineer at St. Vincent de Paul penitentiary, he received goods for which he did not pay; and that after he came to Kingston he received a post office order from Chanteloup for \$40, of which he can give no satisfactory account.

From time to time he procured from Garth & Co. various articles of merchandise, of which they have no record in their books, and which the commissioners are satisfied were never paid for.

Some of the goods referred to consisted of certain glassware, a buggy top, costing \$25, a hot water boiler, got as late as 1892, certain steam fittings, a coil, screen and marble slab, etc., etc.

Many other cases apparently similar to these have been brought to notice by certain data which have passed under the eyes of the commissioners; but it was not considered advisable to pursue the matter further, owing to the large amount of time and expense which would be involved in the inquiry.

Another instance of Devlin's dishonesty is found on reference to a letter addressed to him, dated March 1st, 1888, from Thomas Fuller, the chief architect, in which he draws attention to the fact that Devlin had received \$183.42—by way

of salary—to which he was not entitled. The evidence shows that Devlin quietly pocketed the amount, and would have kept it—with what additional he might have received in the same way—had not the department discovered the error.

In this connection, it is not unfair to draw attention to the fact that in addition to living comfortably and educating and maintaining his family, he has been able—out of his salary, together with \$1,200, which he says came to his wife from an uncle now dead—to accumulate some \$20,000, in money and property, apart from any losses he may have sustained in his dealings during these years.

Some of the instances in which the engineer showed contempt for the rules of the prison, are to be found in his dealing with the Stinson-Gormley lock matter, which transaction was carried on surreptitiously, and contrary to the prison rules, as the reports on file in the departments of justice and customs will show, also in his purchase of fuel from the prison supplies, and of goods at the last sale by auction, on which occasion he purchased a large hand fire engine in first-class order, which originally cost \$1,100, for \$45; ten bath tubs for \$15.50; one small hand fire engine for \$3 65; and one gas stove with trimmings for \$3. the gas stove alone having cost \$49.50. He sold the large hand fire engine for \$137.50, the small one for \$20, and the gas stove for \$20. As to the large hand fire engine, the evidence of Mr. Perry shows that Devlin had arranged for its sale for \$100 before he bought it; and he admits that these things were purchased by him for speculative purposes, and the results indicate this to be the case.

In the examination of the deputy warden and engineer, reference was made to certain pipe which was used for making a boiler for the deputy warden's boat. About 17th December, 1887, one piece of wrought iron pipe $2\frac{1}{2}$ feet long and 12" diameter, and another of the same length and 15" in diameter, costing \$16.25 and \$25, respectively, were purchased from Garth & Co., on the requisition of the engineer. At first he flatly denied knowing anything about this purchase, and said he never had any use for the pipe, and, therefore, did not order it, and not until he was faced with his own letters—indicating that he was telling an untruth—did he admit that he was responsible for the ordering of these goods. The conflicting stories told by himself and the deputy warden, in reference to this transaction, convince the commissioners that when these two pieces of pipe were ordered, they were intended for precisely the use to which they were afterwards put.

The statement of attendance shows that this officer from 1st February, 1894, to 31st January, 1897 (being the only years for which a record has been kept) was absent from duty 273 whole days. A portion of this absence may be excused on account of illness, but the most of it represents mere neglect of duty or time spent in wholly unnecessary and useless travelling at the expense of the institution. There was scarcely anything required in the engineer's department that that officer did not find the way of procuring for himself a trip to Montreal, Toronto or elsewhere in connection with its purchase. He says plainly enough in his evidence that he made these applications just as any one else would who wanted a trip, and that incidentally some business was done for the prison.

During the ten years ended 30th June, 1895, he and the ex-warden succeeded in running up bills aggregating \$3,207.17 for travelling expenses; \$1,467.55 of which is to be credited to the engineer and \$1,739.62 to the ex-warden.

Three of these trips of the engineer's were to Toronto to inspect the building of a boiler; and it transpires that the government had two other agents in Toronto who were at the same time inspecting another boiler being built in the same shop. Three trips were made to Montreal, on the pretense of inspecting water pipes, which could have been tested at the prison. One to Ingersoll and one to Ogdensburg are said to have been made ostensibly to inspect pumps, apparently after having decided upon buying the Stillwell-Bierce pump. It would appear from the evidence that scarcely one of these trips was necessary, and the charges made for expenses were fixed regardless of the actual cost. No effort was made to control travelling expenses—charges were apparently made for expenses not incurred—and in other cases double fees were entered. A perusal of his evidence is necessary to show how utterly regardless he was of the interests of his employers in this as in all other matters.

This statement of attendance also shows that at no time did the engineer pay much attention to the rule requiring his attendance from a certain hour in the morning until a certain hour at night. It was found on examination that so far as the records of the hours for attendance in the morning was concerned, the books had been tampered with in many cases, and the hour changed. The commissioners were informed that the engineer did not remain at his post in the afternoon during the prescribed hours; and this statement is borne out by the fact that little or no record of his time for leaving the prison has been kept. The result of this has been that the steam supply for cooking and heating, and for running the industries has been in a most unsatisfactory state and great discomfort and loss of time has resulted. The reports and evidence of chief keeper Hughes, and steward Weir, the records in the binder twine and blacksmith's departments, and the evidence of Tracey, Harrigan, O'Connor and several other officers bear this out. During much of the time he was absent, the boiler-room, and in fact his whole department was in the custody of convicts, and valuable plant and machinery at their mercy. He seems for some unexplained reason to have treated with contempt the orders from time to time given him regarding his attendance; and in face of the fact that he thought it was not necessary that he should give the required time to his duties, he was asking for an assistant.

From the commencement of his administration of the engineer's department at Kingston, the prison records and the evidence of himself and several others show that he was in constant conflict with both fellow-officers and the convicts.

The commissioners have reason to believe that he came to Kingston penitentiary largely owing to similar troubles in his former place of employment. Whether this be so or not, is of no importance. It is sufficient to know that his career in his present position has been anything but pleasant for those who were forced to come in contact with him, and that almost all of the trouble was of his making.

From time to time during his period of service he requisitioned for books for the purpose of keeping a record of the affairs of his department. So badly were these kept, that neither the commissioners nor himself could make anything of them, and the commissioners were consequently unable to get a single complete or satisfactory statement from him concerning the affairs of his department; and they have no doubt that had they been able to get complete statements they would have had little difficulty in establishing still greater discrepancies in his affairs.

On the 28th November last, the secretary of the commission, pursuant to instructions, demanded from the engineer his letter book. In reply he was informed in writing by the engineer that he had no official letter book. When made aware of the fact that he had requisitioned for and was furnished with such a book, he gave up two of them, both in a badly mutilated condition—some 71 leaves having disappeared from one, and 30 from the other—leaving the latter without any copies of letters. The appearance of the latter book, and the unreasonableness of the explanation vouchsafed concerning the missing leaves convinces us that letters had been copied in it and were taken out subsequent to the appointment of the commission. While there may be some room for doubt in this case, we have none whatever as to the principal book from which the 71 leaves are missing. He gave his evidence in such a way as to convince us he was not telling the truth about it, and the excuses offered for the disappearance of the leaves were of the flimsiest character. He had already told the secretary that his wife had torn out the leaves. He admits that he made an examination of the book after it was demanded of him. He had consulted several of his personal friends as to the propriety of tearing them out himself—he did admit tearing out two letters; and if anything were lacking to make his story about the letter book ridiculous, it was this admission, for the two letters referred to proved to be simple letters of introduction of the deputy warden to two gentlemen in Ottawa. He laid particular stress upon the tearing out of letters to send to Mr. Bowes—who is now dead; but an examination of all the engineer's correspondence both to and from Mr. Bowes discloses no reference of any kind to such a thing being done. Mr. Bowes' letters do not make a request for any of these, and the engineer's in no way refer to the sending of them. His excuse that leaves were

torn out on account of ink being spilled upon them, was demonstrated to his own satisfaction to be untenable, and that of tearing out leaves because of their having been wet too much proved equally weak, there being only one which could be traced, and he had that still in his possession ; and so with the rest of his excuses. There was one circumstance, however, in connection with the book which showed plainly that he was putting it in shape for the commissioners, and it was the re-writing by his son of a large batch of correspondence and copying it at one time in the book—just before giving it up. He was inclined to deny this at first, but was finally compelled to admit it when he saw that the appearance of the work and some irregularity in dates made it expedient to do so. The commissioners consider this a most serious offence, and in their opinion is of itself sufficient to warrant instant dismissal.

The commissioners, apart from his own admission, are aware that the engineer has not handed over all the correspondence which was in his possession at the time the demand for same was made to him.

The commissioners are of opinion that the general conduct of the engineer has been such as to merit dismissal from the service.

THE STORE-KEEPER.

Patrick O'Donnell has been in the service of the penitentiary for some thirty-nine years, as guard, steward, and storekeeper ; filling the latter position for about twenty-five years. It might be supposed that during that time he would have so applied himself to the study of his work and its requirements as to be able to protect the institution from being fleeced by designing merchants and others charging excessive prices for their wares ; but his evidence goes to show that he took no pains in this respect—accumulated no particular knowledge of his business during all these years—and at the date of his examination had to admit that he knew nothing of the quality and prices of goods supplied to the institution through his department. He seems to have made no effort to find out what were fair prices for the goods—did not, as a prudent officer should do, provide himself with catalogues and price lists of all goods coming to him—but indiscriminately appended to each account which passed through his hands the certificate “The prices charged are fair and just and the extensions and additions are correct,” or one of a similar purport notwithstanding the fact that in almost all cases the prices were excessive, and in many instances running several hundred per cent over market value. It is not to be wondered at, therefore, that under his system of checking and certifying, the middlemen thrived, and the ordinary merchants were allowed to regulate their prices, as occasion demanded, from the “fair price” or “market value” to the full “list price” and oftentimes beyond it. He, like others, pleads ignorance and lack of instructions as his excuse for this worse than carelessness and attempts to place the blame on his brother officers. While the commissioners are quite agreed that the inspectors, wardens and other superior officers of the departments for the time being in control are equally blameable with him, and that no doubt he was influenced by their evil example, they cannot accept his excuses as a justification for the utter lack of knowledge or recklessness of results which have characterised the management of his department, and are fully of opinion that his own admissions are sufficient to warrant his retirement.

During his term of office large quantities of leather, etc., were purchased from John McKay, or John McKay & Co. O'Donnell had the conduct of these purchases. He had no personal account with the firm, and therefore no personal claim for special recognition at their hands. Nevertheless he admits that at least on four different occasions he received from this firm sums aggregating \$85, and the following are copies of the entries in the firm's cash books :—

1884, February 19th, D O P, K P.	\$20 00
1885, January 8th, D O P,.....	20 00
1885, December 28th, D O P.....	20 00
1888, January 18th, D O P.....	25 00

These items are positively identified by Richard J. Conley, book-keeper and a member of the firm of John McKay & Co., as having been paid O'Donnell by way of recompense for bringing the trade to that firm.

Having regard to the fact that these transactions are of remote date and there being no evidence of the continuance of the practice, the commissioners recommend that the storekeeper be allowed to retire.

THE ASSISTANT STOREKEEPER.

In the report of ex-inspector Moylan, following the investigation made by him in 1892 and 1893, there is to be found this reference to the present assistant storekeeper:—"The farmer was removed from the position which he held a year since by the minister, upon being made aware of the irregularities which occurred, and of the negligent manner in which he had performed his duties."

In view of what is disclosed by the evidence taken upon the former investigation, it is a matter for surprise that he was not then dismissed; it occasions the greater surprise to find that a few months afterwards he was placed in charge of the trades stores, a highly responsible position, where he could have ample opportunity to continue the irregularities and negligence for which he had been removed from the farm.

No evidence of any actual dishonesty in connection with the trades stores is disclosed, excepting what is referred to by chief keeper Hughes. In other respects, however, he seems not to have improved.

The personal observation of the commissioners, and testimony offered by several witnesses disclose the same incompetence, mismanagement and carelessness in his present position as characterized his career as farmer. The trades stores are kept in a slovenly manner. The assistant storekeeper persistently issues supplies without proper requisitions being first furnished him; instances of which have occurred since the sittings of the commissioners began. It was in the department of which he has charge that the commissioners found the cooking utensils, table ware, food, etc., on the occasion of one of their visits before referred to. This was a repetition of an offence to which that officer's attention had been called by chief keeper Hughes, and serves as an instance to show his utter lack of appreciation of the necessity for proper discipline and obedience to orders. His habit of frequently leaving the trades store key in the door during all noon hours, shows how careless he is in his supervision of the property in his custody. There can be little doubt that this kind of carelessness, coupled with the fact that the trades stores are much of the time in charge of a convict only, and that tools and materials, such as are from time to time found in possession of convicts, are left lying around loosely, leads to the purloining of much of the prison property which finds its way into the prisoners' hands.

The continued negligence, carelessness and incompetence of this officer warrant the commissioners recommending his retirement.

THE STEWARD.

In addition to the carelessness displayed by the steward in accepting supplies for use in the penitentiary regardless of any other consideration than that they are merchantable, the commissioners find that almost continuously from the time he assumed the duties of his office, he has been in receipt of goods and money from several of the various butchers who from time to time supplied meats to the prison. Money was paid him by Michael Walsh, John McCannon, William Waddington, Henry Waddington and Samuel Green. He at first denied the receipt of money from John McCannon, but finally declined to say anything further than that he did not remember having received it, but refused to swear that he had not. He says the same with regard to the Waddingtons. The transaction with Green he admits in almost all its details, and his effort to cover his tracks by giving his note for the amount is very transparent, when it is found that this payment from Green

was made during the currency of the present contract, and in fact, after the commission was appointed, showing that this officer has never desisted from his dishonest dealings, the commissioners feel bound to recommend his immediate dismissal.

RECOMMENDATIONS.

DISCIPLINE.

1. That in order to command the services of a man fully qualified to discharge the duties of warden of the penitentiary the remuneration of that officer should not be less than \$3,000 per annum, with the official residence unfurnished, heating, lighting and water, and such portion of the prison ground and such convict labour as may be assigned to him by the department.

2. No time should be lost in revising the present prison regulations (sanctioned in 1888) and adapting them to the altered condition of things in the penitentiary.

3. The duties of every officer should be clearly and distinctly defined in the regulations, so as to prevent any possible clashing in their work.

4. Every officer of the prison should be supplied with a copy of the regulations, and required to make himself familiar with them, especially with those relating to his own duties.

5. Before any permanent rules respecting the prison of isolation and the dungeon cells are sanctioned, full information should be obtained, either by personal visit or by correspondence, from the authorities at the head of the leading prisons either in the United States or Belgium, where the cellular system has been for years in successful operation.

6. No officer of the prison should be allowed to purchase any articles from the prison stores, or to have any work done for him in the prison shops.

7. No officer should be allowed to keep any animals, or feed for the same, on the prison premises.

8. Married officers should not be permitted to reside within the walls of the prison.

9. Officers closely related or connected with each other by blood or marriage should not be employed in the prison at the same time.

10. In no case should firearms be used in dealing with a convict in his cell. Should it be necessary to remove from his cell a violent or refractory convict armed with a dangerous weapon, no attempt should be made to enter the cell against his will until he had been made to give up his dangerous weapon. This could be done in a short time by putting him on a bread and water diet, or in a few minutes (if necessary) by turning the hose on him.

11. With a view to economy and the other advantages stated in their report, the three classes or grades of convicts should henceforth be distinguished, not by different suits of clothing, but simply by stripes upon the sleeves of their coats, in the military way, the same cloth being used for all the grades.

12. It should be a strong incentive to industry and good conduct if special privileges were secured by the convicts in the higher grades, and especially if a system were introduced, such as is now in force in the central prison, by which a convict might by good conduct and special industry earn money, to be given to him under certain conditions when leaving the prison.

13. The officers who give the convicts marks for good conduct and industry should be most careful in performing this duty, so that the convicts should feel that their promotion from one grade to another, and the amount of remission of sentence which they can earn thereby, depends entirely on themselves.

14. The organization of a Prisoners' Aid Association at Kingston, on the same lines as The Prisoners' Aid Association, at Toronto, with the object among others of assisting by advice and otherwise convicts at the critical time when they are leaving the prison, and the appointment of a special officer at the prison for this purpose,

would be the means of saving many a poor creature and preventing him from returning to his evil courses.

15. Every communication addressed to the inspector of penitentiaries on matters relating to the prison, whether from officers of the prison or convicts, should be forwarded to that officer through the warden, who shall transmit it to the inspector with any remarks he may see fit to make.

CRIMINAL LUNATIC ASYLUM.

16. The lunatics now confined in the building within the walls of the penitentiary, which is utterly unsuited for the purpose of an asylum, should be removed either to the public asylums of the different provinces, if satisfactory arrangements for that purpose can be made between the federal and provincial governments, or failing that, they should be transferred to an asylum erected outside the prison walls.

THE FEMALE PRISON.

17. The female convicts now within the walls of the penitentiary (a building in nearly every way most unsuited for the purpose) should be removed to the Mercer reformatory, at Toronto, if satisfactory arrangements for that purpose can be made between the federal government and the government of Ontario.

VISITORS.

18. The general admission of the public to the prison is objectionable and should be discouraged. It is thought that two or three hours on a fixed day in each week would be ample for the purpose. All visitors should be in charge of one of the guards, and no guard should have charge of more than six visitors at one time. The guard should take care that the visitors in his charge do not communicate with any of the prisoners.

19. For the reasons fully set forth in the foregoing report, the commissioners recommend that the services of James H. Metcalfe, warden; William Sullivan, deputy warden; Patrick O'Donnell, storekeeper, and N. P. Wood, assistant storekeeper, be dispensed with; and that James Devlin, the engineer, and James C. Weir, the steward, be summarily dismissed.

20. In view of the advanced age of Dr. Strange, the present prison surgeon, the commissioners think that his retirement would be in the interest of the prison.

21. While the commissioners have reason to believe that the present chief keeper, William S. Hughes, is a zealous, active and intelligent officer, and a good disciplinarian, they think (in view of the friction which has for some time existed between him and some of the other officers of the penitentiary), that it would be in the interest of the penitentiary that he should be transferred to another prison, or to some other branch of the public service.

22. The commissioners are of opinion that the number of keepers and guards (56) now employed in the prison is unnecessarily large, being more than one to every eleven prisoners; and they believe for the reasons given in their separate report, that with judicious arrangements, the number might safely be reduced (even while the farm is retained) to forty-eight, or one guard to twelve prisoners, and if the farm be not retained, to one guard to fourteen prisoners.

ECONOMIC AND INDUSTRIAL.

23. In the new water works system now being constructed, the plan of pumping water into the tank at the water tower should be abandoned, and the pump to be connected with the 600 feet of intake pipe be operated to maintain direct pressure of 80 lbs. in the mains that supply water to the prison and to the warden's residence.

24. The water main recently laid to supply the residence of Mrs. Betts with water at a distance of nearly 3,000 feet from the pumping station should be disconnected from the prison water mains.

25. The sewage works should be reconstructed under competent supervision on the plan prepared by Mr. Horetzky under our direction after verifying his estimate as to the cost of the same.

26. All exhaust and waste steam from the engines and pumps should be turned into the heating system for heating the prison, on the most approved modern methods; in summer the exhaust steam being used to heat the water for all prison uses; all steam and return pipes where not required to radiate heat should be covered with mica covering.

27. The farm attached to the penitentiary should be sold, reserving the pigge and all lands lying to the south of it.

28. All the prison industries and all branches of trade conducted by the prison should be placed under the supervision of a thoroughly competent chief trade instructor, one if possible who has had experience in manufacturing and as a successful man of business, who should be given authority, under proper regulations, to purchase all manufacturing and engineering supplies, and to sell all prison products.

29. The storekeeper should purchase all maintenance supplies not used in the trades or industries or engineering departments; and should be selected for his established character as a competent and upright business man, having had experience in dealing in the class of goods required for prison maintenance.

30. The goods to be purchased by public tender should be restricted to the articles of fuel, fresh meat, flour, oatmeal, pot barley, split pease and potatoes; all other supplies should be purchased in the open market.

31. The inspection of the prison, especially in financial and industrial matters, should be more thorough and rigid than it has been in the past. It would be desirable that the officer charged with this important duty should bring to its discharge experience gained in commercial life with ability to apply it to the advantage of the prison.

32. Convicts in the prison of isolation should be employed in manufacturing such goods as are used in the public service, and the labour of all convicts, who are not actually engaged in other desirable industries, should, as far as practicable, be likewise so employed.

33. A more complete system of book-keeping should be introduced in all prison accounts, both maintenance and industrial; there should be an annual stock-taking on business methods, so that the accounts when closed at the end of the financial year will accurately show the receipts and expenditure of each separate department of the entire prison system.

34. All trade supplies, including engineer's supplies, should be kept in the trades store, and a stock ledger kept, in which the store should be debited with all goods received and credited with all goods delivered, on requisitions regularly made on the store. This ledger should be audited at the annual stock-taking, and the store-keeper in charge be held responsible for the correctness of the stock then on hand.

35. A qualified school-teacher should be placed in charge of the school and the teaching of the prisoners; and this officer might also act as agent to assist with advice and otherwise the discharged prisoners when leaving the prison.

The foregoing recommendations require, it will be seen, not merely many changes in the administration and discipline of the penitentiary, but also the dismissal or retirement of some of the chief officers of the institution. The treatment suggested is indeed somewhat heroic, but the disease with which the commissioners had to deal was deep-seated and of long standing, and, in order to effect a real and permanent cure, the use of the knife, however painful, was absolutely necessary. It goes without saying that the future of the institution will depend almost entirely upon how the vacancies thus created are filled. While the commissioners recognize fully the importance of a well-considered system of administration, they think that

the officer at the head is even more important than the system. An able and thoroughly qualified head may work successfully even a poor system, while under an incompetent head the best system must result in failure. If our public institutions continue to be regarded in the future, as they have been too often in the past, as asylums for incompetent favourites, or dumping ground for political refuse, no change of system, no alteration in the rules and regulations, will avail to improve them permanently. We look for better things in the future, and confidently hope that the penitentiary, when reorganized, will take a more efficient part than it has heretofore done in the great work for which it exists—the repression of crime in the Dominion. On the government, however, rests a grave responsibility; and, if in the selection of the chief officers of this important institution they allow themselves to be guided by political or any consideration other than the personal fitness of the man for the office, the evils that are sought to be remedied will inevitably be perpetuated. There can be no doubt that the great importance which in England is attached to the selection of proper officers for penal and reformatory institutions is chiefly due to the marked advance which has been made in that country within the last 40 years in prison reform. “From the time,” writes Sir Edmund F. Dy Cane, chairman of commissioners of prisons etc., “when the English government took seriously in hand the reform of the prison system, nearly forty years ago, their efforts have been directed to forming a good staff of officers as a matter of the first consequence, and these appointments have never been considered the subject of political patronage or private interest. This feature might indeed be considered one of the leading characteristics of the English prison system, and to which it owes in a great measure its success.”

In connection with this important subject, the commissioners feel bound to say that, while there cannot be a doubt that the annual cost of the penitentiary to the country has in the past been far beyond what it should have been, and while the commissioners are sanguine enough to believe that if the recommendations contained in their report are faithfully carried out the cost will, without in any way impairing the efficiency of the penitentiary, be greatly reduced; they are convinced that it is an unwise and expensive economy to reduce the salaries of the chief officers of the institution. On the ability and integrity of these men the moral and economic management of the prison entirely depends; and to command the services of really well qualified and competent men for these responsible and onerous positions, they should be liberally, even generously, paid; and the commissioners think that the chief officer of the penitentiary, especially if he is expected to occupy the expensive official residence provided for him, should not receive a lower salary than \$3,000, with the additional perquisites of heating, lighting and water, and such ground and such convict labour as may be allotted to him, but with no other perquisites whatever.

Before closing their official report the commissioners will be pardoned, they trust, for saying a few words of a personal nature. The task which they have had to perform has been, they need hardly say, in many respects a very painful one. In making their report they have had to say much which, had they consulted their personal feelings, they would gladly have left unsaid. They have been compelled not merely to point out the shortcomings and to call in question the qualifications of, but to cast censure on many officials of the prison with whom they necessarily became intimate during the investigation, and for some of whom they entertain the most kindly feelings. But they would have been unworthy the trust reposed in them if in a matter involving such serious issues, in which the public is so deeply interested, they had allowed any personal considerations to prevent them from expressing frankly and fearlessly the conclusions at which they were obliged to come by the facts which came out in evidence before them. While it was their plain duty to “nothing extenuate,” on the other hand it was their desire and endeavour “to set down nought in malice.”

The commissioners have much pleasure in stating that the warden and officers of the penitentiary generally, with only two or three exceptions, afforded them every reasonable facility in the conduct of their inquiry. They desire also to place

on record their appreciation of the faithful and zealous services of the secretary of the commission and of the great assistance he has been to the commissioners in the performance of their responsible duties.

All of which is respectfully submitted.

E. A. MEREDITH,
JAMES NOXON,
J. F. FOWLER.

APPENDIX "A."

TORONTO, 6th March, 1897.

E. A. MEREDITH, Esq.,
Chairman, Penitentiary Commission,
Kingston, Ont.

SIR,—In accordance with the request of the commissioners, contained in your letter of 11th February last, to the hon. commissioner of public works of Ontario, asking for my services to investigate the system of sewage disposal now in operation at the Kingston penitentiary, I beg to report as follows:—

The present disposal works consist of an underground tank, partitioned off into four chambers and intended for a combined chemical precipitation and sedimentation process.

The heavy matters are arrested to some extent in the first compartment, and the supernatant liquid is allowed to flow through the others, whence it is pumped up to sand filter beds, when not allowed to overflow into the main sewer. Sedimentation also takes place to some extent in the other compartments, and the only method of separation is to raise the pump suction to such a height as the attendant may judge necessary. This operation, as may easily be imagined, is not very effective, as, at times, some sludge unavoidably mixed with the lighter portion, reaches the filter beds.

When it is desired to pump the sludge, the suction pipes are dropped to the floor of the tank, which is evidently too flat in form to admit of being emptied without the extraneous help of one or two convicts, who enter the tank and feed the suction by shovelling or sweeping up to it. The whole operation is crude, ineffective, and barbaric in the extreme.

The sludge is received in a compost heap which is carted away from time to time.

During the course of my examination at the penitentiary, I observed that a large quantity of storm and surface water besides leakage from other sources, find their way to the sewers and tank. During the day, at least half the work of the pump consists in drawing off this water to the filter bed, which of course, under such conditions, passes off a tolerably clear effluent.

This fact has, no doubt, led to the statement made by certain officials that the penitentiary system is equal to, if not better than, that of the Rockwood asylum. A little reflection will show the fallacy of such an argument.

The Rockwood sewage is entirely separated from surface or storm water, and reaches the precipitation tanks there, in a highly concentrated condition. The separation of the insoluble organic matter from the soluble is thoroughly made, and the filtered effluent (provided proper care be taken) passes to lake Ontario in as clear a condition as the lake water itself.

The best feature in the whole system at the penitentiary is the filtration area, (about six-tenths of an acre in extent). The two beds are composed of sand, gravel and broken stones, in strata respectively 2 feet 9 inches, 1 foot 3 inches, and 6 inches

in thickness. These beds are scarcely deep enough, and are allowed to filter with too great rapidity. However, if raised 6 inches higher, good results can be obtained from them.

The pump in use is a duplex with 10 inches steam cylinders, 6 inches water cylinder, and 12 inches stroke, the water end being fitted with bronze ball valves, with from $\frac{5}{8}$ inch to $1\frac{1}{16}$ inch clearance. The present suction lift is about 8 feet, while the discharge lift is about 16 feet.

Great complaints have been made as to the unfitness of this pump for its present purpose. The valves are certainly not the kind best adapted for pumping sewage, but could be used under the present conditions of suction lift, if the sewage were properly screened, and nothing else allowed to pass into the receiving tank. However, as the scheme I shall presently lay before you demands, at the very outset, a suction lift of 24 feet, it is thought by reliable makers that this pump will not be fit for such work. It may, therefore, be advisable to obtain a new pump fully capable of the work proposed to be done. The new pump will be supplied with steam from the main boilers, and the boiler at present in the gas-house basement should be removed. I have included such a pump in my estimate.

Having carefully examined the ground and all the conditions, the first step to be taken in order to give this institution the full benefit of modern sanitary methods will be to introduce the separate system, *i. e.*, to separate the sewage proper from storm and surface waters, which now form a heavy proportion of the flow through the present massive but antiquated sewers through which monthly tours for inspection and cleansing purposes are made.

The present sewage tank has a capacity of 15,000 gallons up to the top of the division walls; and the separate system will admit of this capacity being nearly doubled, in as much as the new sewers will have their outfall at least 6 feet higher than the present ones.

Another very important advantage to be derived from the separate system will be a saving of labour, chemicals and steam, as the sewage will be less diluted, and very considerably reduced in volume, and I do not hesitate to say that the economy effected thereby will pay for the new sewers within five years after their installation. Further, the enlarged capacity of the present sewage tank, resulting from the separate system, will greatly facilitate the scheme of irrigation, to which I shall allude further on.

The system which I now beg to outline, embraces the following:—

1. The construction of 3 separate sewers terminating in a screening chamber to be built close to the present underground tank.
2. The adaptation of the present tank for a crude sewage receiving tank of a capacity of about 25,000 gallons, by simply taking out the division walls and forming a well inclined bottom with sump hole for the pump suction pipe, a safety overflow into the main sewer being also provided for.
3. The utilization of the gas tank and store-house for pump-room, store-room, two precipitation tanks—each of a capacity of 22,700 gallons, and a filter bed of 225 square yards area, and 5 feet in depth, composed of coke breeze which will be capable of thoroughly filtering the chemically clarified tank effluent at the rate of 20,000 gallons daily during four days in the week.
4. The irrigation during summer, of from 7 to 10 acres of farm land situated to the east and north of the penitentiary.

For this purpose a 6-inch iron water main already laid for more than two-thirds of the distance, and now found unnecessary for water service, will answer admirably. A great portion of the excavation for the rest of the distance is already made, and iron pipe is on hand in sufficient quantity to complete the main from the disposal works to the furthest point required—2,500 feet from the works. It will thus be seen that, during the dry summer months, crude sewage can be pumped directly from the receiving tank to the high lands indicated, and that, at any other time, or whenever desirable, crude sewage can be pumped into the large precipitation tanks in the gas store-house and chemically treated to the very best advantage.

5. The sludge resulting from chemical precipitation will be pumped into a condensing apparatus outside, and built up closely against the west wall of the gas-house, while access to it by prisoners can be entirely shut off by an iron door between the two buildings.

This condensing plant will be similar to that designed by me for Rockwood asylum, which has been found to work admirably.

Once a week the sludge will be removed to the adjoining strip of land outside the east wall and trenched in. This operation can be performed by an outside contractor for a trifling consideration, inasmuch as six cart loads hauled about 100 yards represent the whole work to be done.

The arrangement above suggested brings the whole of the disposal works entirely within the prison walls with the exception of the screening chamber, and the two land filters, which can be worked by one man as at present.

The utilization of the gas buildings will necessitate the strengthening of the portion intended to carry the precipitation tanks, as some 439 tons of concrete and masonry will be placed upon the basement arches, besides from 100 to 200 tons of water.

The pump will be placed in the north part of the gas store-house, the position most favourable for the different duties it will have to perform. There will be ample available space for the storage of chemicals, &c., &c., and the entrance will be, as now, by the present double door which, however, will be almost unnecessary, inasmuch as (all other doors and windows upon the ground floor being built up) escape from the interior of the disposal works will be as difficult as from the yard.

It is scarcely necessary to state that the old sewers will do duty as carriers of storm and surface water.

I append, herewith, estimates of the cost of new sewers, and of the disposal works, exclusive of the irrigation main and subsidiary plant on the farm lands.

The figures given are ample, and in some cases will admit of deduction. Inasmuch as convict labour will likely be used, a large percentage of reduction may also be allowed on that account.

The scheme now outlined will admit of the application of chemicals under the most favourable conditions, as sewage can be pumped at any given rate of speed to which the chemicals can be accurately gauged. Moreover, the fact of pumping being a necessity is rather a desideratum than otherwise, as the pump effects complete disintegration of the sewage, and brings about the best conditions for complete admixture. It may also be remarked that both the pump and discharging arms will be so regulated, in size and capacity, as to admit of the maximum time for settlement of the contents of each precipitation tank, which is of paramount importance in obtaining a clear effluent for the filter beds; and I do not hesitate to say that, with proper care, results far superior to those obtained at the Rockwood asylum may be looked for, in fact, the coke breeze filter should pass, under such favourable conditions for precipitation as I have just outlined, an effluent almost fit for drinking purposes.

Lastly, the above design necessitating no labour derogatory to the self-respect of any man, and being almost automatic in its operation, offers no incentive to slur the small amount of work involved. On the contrary, it will be more difficult to run the plant improperly, than to give it the attention required.

I have the honour to be, sir,

Your obedient servant,

C. G. HORETZKY.

ESTIMATE of cost of preparing the Gas Store-house for precipitation tanks, &c., for the disposal of the Sewage from the Penitentiary at Kingston.

This estimate is based upon local (Kingston) prices.

	\$ cts.	\$ cts.
Building up basement window	15 00	
Removal of stone steps	6 00	
1 doorway to be built up	22 00	
18 feet of archstones in basement	12 60	
Drilling 24 holes (2-in.) in masonry	60 00	
Cleaning away debris	12 00	
<i>Ground floor.</i>		127 60
3 windows to be built up	45 00	
1 large door do	26 00	
Breaking out openings in cross wall and building up	40 00	71 00
80 jambstones for openings	24 00	
36 archstones do	9 00	
<i>Outside face.</i>		73 00
216 feet bush hammered ashlar	129 60	
Painting walls outside; 315 sq. yds. at 22c	69 30	
Stripping floor of store-house down to the arches, 100 c. yds. at 75c	75 00	198 90
6 iron rods, 2-in. each, 44 ft. long— 264 ft.—2,798 lbs. } Say 3,000 lbs. at 6c	180 00	
Heads and nuts, 200 lbs. }	180 00	
100 l. ft. 12-in. steel channels, 30 lbs. per foot, 3,000 lbs. at 6c		
Division wall of hard bricks 84 x 8, average thickness 25½ in., laid in cement mortar, 24 M. at \$18	432 00	
220 c. yds. concrete and grouting of arches, filling up to foundation of tank floors at \$6	1,320 00	
Cementing tank floors and forming gutters, 220 sq. yds. at 35c	77 00	
360 sq. ft. of cement floor north of tanks, for pump, chemicals, &c., and fixing present floor	100 00	
Cementing walls of tanks, 300 sq. yds. at 35c	105 00	
		2,469 00
Present sewage tank to be altered, division walls taken out, and proper bottom and sump for suction pipe formed		100 00
1 new sewage pump		400 00
Connections with pump to filters, sludge well and condensed tank, &c., 2 ft. 4 in., \$32; 2 ft. 6 in., \$56; suction discharge, 3 long casks, all 4-in. pipe, \$105	193 00	
Chemical tanks, &c.	25 00	
		218 00
2 floating arms, 6 in.	150 00	
2 4-in penstocks (sludge well)	30 00	
		180 00
Removing boiler from basement. (This includes breaking out masonry and rebuilding)		50 00
1 sludge well to be built in basement. Masonry and plastering		80 00
Sludge condensing house, tank and apparatus— 14 toises masonry, \$84; roof, \$50	134 00	
2 steel I beams, 40 lbs., 12 in., each 13 feet	63 00	
Boiler-plate floor, \$100; lumber, \$30	130 00	
Sludge tank and apparatus	140 00	
		467 00
300 tons coke breeze, f.o.b. car, Kingston, at \$4.50		1,350 00
Drainage to lake— 150 l. ft. 6-in. pipe at 21c., laid	31 50	
75 yds. excavation and refilling at 40c	30 00	
		61 50
		5,846 00
1 sewage cart		80 00
		5,926 00

C. G. HORETZKY.

ESTIMATE of cost of New Sewers at the Penitentiary, Kingston.

Cost based upon outside prices.

<i>East Sewer.</i>	\$ cts.	\$ cts.
235 cub. yds. excavation and backfill at 40c.....	94 00	
367 feet 6-in. glazed pipe at 12c.....	44 04	
189 do 9-in. do do at 25c.....	72 25	
656 laying the above with cement and oakum at 8c.....	52 48	
50 feet 6-in. cast iron pipe 3in. ; 23½ lbs. per foot at 1½c. per lb } 180 do 9-in. do ½in. ; 46 do do }	141 82	
3 manholes of masonry at \$12.....	36 00	
3 frames and covers at \$12.....	36 00	
Laying iron pipe (230 ft.) at 12c.....	27 60	
1 ton specials for connections.....	40 00	
Breaking through walls and rebuilding.....	20 00	
656 feet clay foundation for pipes at 10c.....	65 60	
		629 79
<i>Central Sewer.</i>		
172 cub. yds. excavation and refill at 40c.....	68 80	
387 l. feet glazed pipe 12-in. at 36c.....	139 32	
Laying the above at 10c.....	38 70	
1 masonry manhole and cover.....	24 00	
Connections.....	10 00	
Breaking through walls and rebuilding.....	12 00	
387 l. feet clay foundation for pipes.....	38 70	
		331 52
<i>West Sewer.</i>		
311 cub. yds. excavation and backfill at 40c ..	124 40	
700 l. feet glazed pipe 9-in. at 25c.....	175 00	
Laying the above at 8c.....	56 00	
4 manholes and covers.....	96 00	
1 large manhole and cover at lower junction.....	30 00	
700 feet of clay foundation at 10c.....	70 00	
Screening chamber and gratings	40 00	
		591 40
		1,552 71

C. G. HORETZKY.

DEPARTMENT OF PUBLIC WORKS,
ONTARIO, 6th March, 1897.

QUESTIONS ADDRESSED TO SUPERINTENDENT OF STATE PRISON,
NEW YORK, AND REPLIES, 1st FEBRUARY, 1897.

CANADA.

KINGSTON, 20th February, 1897.

DEAR SIR,—For the information of the Kingston Penitentiary Commission I shall feel greatly obliged for the following information:—

1. Is it customary in the leading state prisons to have the male and female prisoners confined within the same prison walls?—No, sir.

2. If it is done do you think it right?

3. Is it usual in well managed state prisons to allow the prison officers or servants to purchase for their own use articles from the prison stores or articles the products of the prison?—Not in our prisons.

4. Do you consider such a practice right?

5. Is it usual in well managed state prisons to allow the prison officers and servants to have work done and paid for by them in prison shops?—This practice prevailed at one time with us, but now no officer but the warden can have any work done by a convict. Not even be shaved.

6. Do you think such a practice if it exists is right?

7. If prison officers or servants are allowed to have work done for them in the prison shops and with prison materials have they the privilege of getting the work done at lower prices than would be charged for the same work to outsiders?—Our officers paid full prices.

8. If they are allowed such a privilege do you think it right or just?

Yours faithfully,

R. J. EILBECK, Secretary.

AUSTIN LOTHROP, Esq., Supt. State Prisons, Albany.

DANNEMORA, N. Y., 23rd February, 1897.

R. J. EILBECK,
Secretary Kingston Penitentiary Commission,
Kingston, Ont.

DEAR SIR,— Your favour of the 20th inst. just at hand. Replying to your inquiries, let me say:—

1. The women convicts in the state prisons in this state have always been confined in a separate building from the male population, and while the warden of the prison to which female prison is attached has control of the female prison, the women are under the immediate charge of a matron, who has under her several assistant matrons. No male, either officer or convict, is employed at the female prison. I approve of that policy.

2. In former years, officers were permitted to purchase flour, potatoes, and other supplies from the prison stores. This led to abuses, and the custom was discontinued. I heartily approve of the present method of compelling officers to purchase supplies outside.

3. Until the first of the present year it has been the custom to sell to prison officers any product of prison labour, and to do work for prison officers, such as repairing shoes, clothes, caning chairs, etc. I cannot see why the prison officer should not be permitted to have work done or buy the product of prison labour, if he pays the same price that an outside person does. Our new constitution, which went into effect 1st January, 1897, prohibits the sale of any prison product to any person or corporation, and requires that all prison labour shall be on articles used by state institutions, or the state or some political division thereof. So no officer, nor in fact any other person, can buy any prison product at the present time.

As you might ask, "What are you doing with the convicts?" I inclose a list of articles we are now making that are used by the various state, county and city institutions. We are also making roads and erecting buildings with convict labour. I have erected two splendid buildings, and am now erecting an asylum for insane convicts, 200 feet by 500 feet, entirely with convict labour. I expect also to do a little farming.

4. No reduction was ever made to a prison officer or employee when he purchased prison product, or had work done by convicts. I should not approve of giving any reduction in price.

I trust you will pardon the length of my letter, but I could not make myself clearly understood in less space.

I should be pleased to have any, or all, of your commission visit me this summer, and look the prison over. The political changes in this state will, in all probability, terminate my connection with the prisons after this year.

Yours very truly,

WALTER N. THAYER,
Agent and Warden.

(Inclosure.)

PRISON MANUFACTURES.

List of articles designated by the state commission of prisons to be manufactured in the state prisons for the state and public institutions thereof, and the political divisions of the state and the public institutions thereof, as provided by chapter 429, of the laws of 1896, requisitions for which should be made upon the superintendent of state prisons, Albany, N.Y.

Men's clothing.—Vests, trousers, suits, coats, blouses, overalls, pants, uniforms, ulsters, overcoats.

Women's clothing.—Dresses, skirts, wrappers, women's vests, aprons, hoods, waists, handkerchiefs.

Underwear.—Cotton flannels, flannel, jeans.

Brushes.—Hair, cloth, stove, horse, scrub, counter dusters.

Galvanized iron and tinware.—Pans, pails, dippers and a general line of pieced tinware—coal hods, ash cans, garbage cans.

Hardware.—Cuspidors, iron cell buckets, enamelled iron stove hollow-ware, pots, kettles, spiders, hoppers, maslin kettles, boiler stands, traps.

Furniture.—Desks, odd chairs, stands, side-boards, tables, side-tables, rockers, book-cases, desk chairs, hat-racks, ward chairs for hospitals, dining-tables (other than extension), card index outfits, Bertillon cabinets, brass and iron bedsteads and other special articles of furniture to be made from pattern or design.

Mattresses.—Hair, excelsior, husk, cotton.

Printing.—Envelopes, bill heads, letter heads, blank forms, circulars, Bertillon index cards.

Miscellaneous apparel.—Boots and shoes, cloth hats and caps, hosiery, gloves, mittens, collars, cuffs, shirts.

Miscellaneous.—Letter presses, letter press stands, election board tables, voting booths, ballot boxes, baskets, brooms, whisks, rattan push brooms, pickaxe handles, butter bowls, broken stone for road building and concreting.

Arrangements are being made to manufacture the following articles, and the superintendent will give due notice when prepared to receive requisition for them, viz.:

Blank books, cotton and woolen cloth, woolen blankets, canal and garden wheelbarrows, stone paving blocks, cocoa mats and matting, plumbers' brass work, valves, cocks, ferrules, etc.

AUSTIN LATHROP.

Superintendent of State Prisons.

OFFICE OF THE AGENT AND WARDEN OF AUBURN PRISON,
AUBURN, N.Y., February 23rd, 1897.

Mr. R. J. EILBECK,
Secretary,
Kingston, Can.

DEAR SIR,—Replying to yours of the 20th, I have to say:—

First—It is the custom in this state to have the male and female prisoners entirely separate, and the institutions are organized and conducted separately. The institutions for females are located in different parts of the state and in no ways connected with the male institutions except as to the state prison for women here at Auburn, which is a separate institution entirely, supervised by the warden of the male prison, but the executive department is under the care of a matron.

Second—I think the practice of entirely separating the two classes of institutions is right.

Third—I believe it has been usual in some institutions for the officers to purchase from the prison some articles that are manufactured, and in some institutions it is customary to allow the officers to have their uniforms made in the institution. Under a new law which went into operation on January 1st of this year, all that is done away with in the prisons of this state.

Fourth—I think it more satisfactory to have the officers paid a stipulated salary and allow them to purchase everything that they require from other sources than the prisons.

The reply to your questions Nos. 3 and 4 seem to cover Nos. 5, 6, 7 and 8.

Very truly yours,

J. WARREN MEAD,
Agent and Warden.

OFFICE OF THE AGENT AND WARDEN OF SING SING PRISON,
SING SING, N.Y., February 23rd, 1897.

R. J. EILBECK, Esq.,
Secretary Penitentiary Commission,
Kingston, Canada.

DEAR SIR,—Replying to the first question contained in your favour of February 20th, I beg to say that that rule obtains in the penitentiaries of the state but not in the state prisons. In one case—in the prison at Auburn—within the prison walls there is a women's state prison where about 120 women are confined, but their quarters are entirely isolated and distinct from the prison for men within the same inclosure. In the other two state prisons—Sing Sing and Clinton—no women are confined except those under sentence of death. There are none such at present.

Second—I do not think it expedient or wise to confine two sexes in the same institution.

Third—It is not permitted in the state prisons of this state.

Fourth—I do not consider such a practice right.

Fifth—It is not in the prisons of this state.

Sixth—I do not.

Seventh—It is not allowed in the prisons of this state.

Eighth—I do not think it right or just.

Yours very truly,

O. V. SAGE,
Agent and Warden.



